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HEARINGS

BEFORE THE

2-20-12. 1000.

h.S. **COMMITTEE ON EXPENDITURES IN THE
WAR DEPARTMENT**

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OF THE

HOUSE OF REPRESENTATIVES

UNDER

HOUSE RESOLUTION NO. 103

**TO INVESTIGATE THE EXPENDITURES IN
THE WAR DEPARTMENT**

62D CONGRESS, 2D SESSION

HARVEY HELM, Kentucky, *Chairman.*

JOHN A. MARTIN, Colorado.

ASHER C. HINDS, Maine.

R. J. BULKLEY, Ohio.

PETER M. SPEER, Pennsylvania.

R. E. DIFENDERFER, Pennsylvania.

STANTON WARBURTON, Washington.

GEO. L. WILLIS, Clerk.

WASHINGTON

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EXPENDITURES IN THE WAR DEPARTMENT.

COMMITTEE ON EXPENDITURES
IN THE WAR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Friday, December 15, 1911.

The committee met at 11 o'clock, a. m., Hon. Harvey Helm (chairman) presiding.

STATEMENT OF BRIG. GEN. JAMES B. ALESHIRE, QUARTERMASTER GENERAL, UNITED STATES ARMY.

(Gen. Aleshire was duly sworn by the chairman.)

The CHAIRMAN. General, we have heretofore had some hearings touching the water supply of Fort D. A. Russell, Cheyenne, Wyo. You have prepared a history or abstract of that proposition, from its inception up to the present date?

Gen. ALESHIRE. Yes, sir; from the records of the Quartermaster's Office.

The CHAIRMAN. This is a copy [handing paper to witness]?

Gen. ALESHIRE (after examining the paper). Yes, sir; I think that is a copy of it.

The CHAIRMAN. Will you kindly insert it in the record.

Gen. ALESHIRE. Yes, sir.

(The report referred to is as follows:)

REPORT EMBODYING THE HISTORY OF THE FORT D. A. RUSSELL (WYO.) WATER SYSTEM; AND SUBMITTED IN ACCORDANCE WITH LETTER ADDRESSED TO THE SECRETARY OF WAR BY THE HON. HARVEY HELM, CHAIRMAN HOUSE COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, DATED JULY 27, 1911.

(1) Fort D. A. Russell was established July 31, 1867, the buildings being entirely of wood.

(2) The records of this office are not clear as to the water supply at the very beginning. The water used, however, was obtained from Crow Creek, a branch of the South Platte River, and was hauled to the post by a six-mule team and delivered to troops and laundresses into barrels near their respective quarters. The water was pumped into a wooden tank by a small pump in the sawmill, located near Crow Creek, and from there drawn off into the water wagons as required. The cost of this pump and the short line of pipe the records of this office do not show. It also appears that there were wells behind the officers' quarters and barracks but that they were not used because they ran dry in the summer and the other plan of supply was at all times more convenient.

(3) In 1872, 1873, and 1874 attempt was made to obtain an artesian water supply; \$14,360 was expended in this attempt but no artesian water was found. The well was sunk to about 1,420 feet, so that the method of hauling water in wagons was continued until 1885.

(4) On the 2d day of December, 1884, an agreement was entered into with the city of Cheyenne by the commanding officer, Fort D. A. Russell, for furnishing certain waters to Fort D. A. Russell in consideration of allowing their pipe line to pass across the reservation. The correspondence shows that this water was to be used for irrigation purposes, and in the same year (1884) \$8,002.57 was expended in installing one

pump, a wooden tank, wells, or rather basins, for collecting the water from the creek and allowing the same to settle, and a pipe line to the buildings then at the post, and in 1885 an additional \$1,595.46 was authorized to complete the system. This system gave a connection to the kitchens of barracks and quarters and included hydrants and hose for fire protection.

(5) In 1885-86 the reconstruction of this post began, the buildings being of brick, and in 1888 the installation of a complete water system was authorized, which was contracted for in 1889 at a cost of \$17,742.25. This included an 80-foot catchment basin, a submerged dam across the valley of the creek, a small reservoir, addition to the pump house, installing old pump, wooden irrigating tank, 585 feet of 8-inch pipe and 1,200 feet of 4-inch pipe, this pipe making connection between catchment basin, reservoir, steam pump, and irrigating tank.

(6) Extensions of the water system for irrigation were made in 1889 at a total cost of \$3,772, and an extension to the water system to connect to new buildings in 1892 at a cost of \$1,003.64. This completed the water system for the new post except that proper fire protection was not afforded for the new buildings.

(7) In 1901, when it was determined that this post was to be enlarged, the question of the water supply was again taken up. Trouble was had with the obtaining of water from the water-pipe line leading to the city of Cheyenne, and on December 16, 1902, the city council of Cheyenne passed an ordinance guaranteeing all water rights heretofore enjoyed by Fort D. A. Russell and granting an additional 300,000 gallons per day. This ordinance was embodied in an agreement prepared by the Judge Advocate General and dated March 25, 1903. This water was for irrigating purposes. The pipes for bringing the water to the ditches for taking the water to the various parts of the reservation to be irrigated were constructed at a cost of \$8,775.

(8) In 1902-3 the water system was remodeled and extended, including a 60,000 gallon steel tank on a 61-foot trestle; brick pump house and machinery, sinking 6 wells, extending, remodeling, and enlarging the distributing system and connecting 6 wells to the same; a total cost of \$32,922.35, and in the latter part of the year 1903 an additional pump was installed at a cost of \$500.

(9) In 1905 efforts were made to obtain a larger water supply by sinking four additional tubular wells which cost approximately \$2,280, and extensions to the water system were made to connect to new buildings for \$730, and \$800 for extending pipe line and installing fire plugs to provide fire protection for these buildings. This completed the water system as originally contemplated in 1902.

(10) In 1907 necessary machinery for making an accurate test of the wells was purchased at a cost of \$500, and \$100 was expended for labor in connection therewith.

(11) With increase of the size of the post in 1908 to the present date a water system became necessary of very much greater capacity than could be obtained from the wells and catchment basins of Crow Creek; therefore, on November 30, 1908, agreement was entered into with the city of Cheyenne for perpetual water supply for Fort D. A. Russell at a cost to the Government of \$400,000, delivering the water into the post mains, payment to be made in certain installments. Three 10-inch connections were made to the water system.

(12) In 1908, 1909, and 1910 extensions were made to the post distributing system for supplying water to buildings and for fire protection at a cost of \$30,327.20, making the total cost of water supply for Fort D. A. Russell from the beginning \$523,410.47, the water supply now being perpetual, ample, unlimited in quantity, of sufficient pressure for all purposes, and the Government being put to no expense for maintenance of this supply of water for the post.

Tabulated statement showing the various amounts expended on the water system at Fort D. A. Russell, Wyo., as far as shown by the records of this office.

Index No.	Card No.	Date of contract or authorization.	Character of work.	Amount.	Total.
8-13	Aug. 15, 1872	Artesian well.....	\$10,000.00	\$14,360.00
67-68	May 20, 1873	Artesian well, additional.....	3,000.00	
90	Oct. 13, 1873	.....do.....	1,360.00	
123-124	July 16, 1884	Water supply.....	.....	8,002.57
141	July 21, 1885	Completing water system.....	.....	1,595.46
148-182	July 25, 1889	Complete water system.....	.....	17,742.25
173-195	Jan. 2, 1890	Extension of water system.....	747.00	3,772.00
196do.....	Extension of water system for irrigation.....	3,025.00	
200-201	17133	July 16, 1892	Extension of water system.....	.....	1,003.64

Tabulated statement showing the various amounts expended on the water system at Fort D. A. Russell, Wyo., as far as shown by the records of this office—Continued.

Index No.	Card No.	Date of contract or authorization.	Character of work.	Amount.	Total.
273-340	107141	{Aug. 19, 1903 May 20, 1903	Irrigating conduit, 12 inches.....		\$8,775.00
202-208	107141	May 20, 1902	Tank and trestle.....	\$7,300.00	
213-246	107141	Oct. 17, 1902	Pump house, brick.....	5,794.76	
258-259	.....	May 11, 1903	Installation of machinery.....	3,767.00	
256-287	107141	May 15, 1903	Six wells.....	2,544.30	
267-298	107141	May 25, 1903	Extending distributing system.....	12,000.00	
317	107141	Aug. 1, 1903	Connecting 6 wells.....	1,516.29	
351-352	107141	Oct. 17, 1903	Additional pump.....		32,922.35
390-392	107141	Sept. 26, 1905	Four tubular wells.....		500.00
362-379	107141	Apr. 1, 1905	Extension of water system.....		2,280.00
371-372	107141	Jan. 20, 1905	Extending pipe line and hydrants for fire protection.....		730.00
421-422	107141	Apr. 6, 1907	Machinery and labor for testing wells.....		800.00
483	221409	Nov. 30, 1908	Perpetual water supply.....		600.00
431-433	221409	May 20, 1908	Extension of water system.....	7,435.15	400,000.00
501-509	221409	July 16, 1909	Extension of water system, etc.....	21,242.05	
532-534	288171	Nov. 1, 1910	Extension of water main, etc.....	1,650.00	
Grand total.....					30,327.20
					523,410.47

Inclosed herewith is a subject index to the original correspondence, reports, documents, records, etc., bearing upon this report.

Respectfully submitted.

JAMES B. ALESHIRE,
Quartermaster General United States Army.

The CHAIRMAN. What does this paper that I hand you purport to be [handing paper to witness]?

Gen. ALESHIRE. This paper is an index to the list of papers relative to the water-system construction at Fort D. A. Russell. These papers I have with me are all the papers I could find on the records that seemed to bear upon the case.

(The paper referred to is as follows:)

List of papers relative to water-system construction at Fort D. A. Russell, Wyo., taken by Gen. Aleshire to go before committee in Congress.

1872.

(1) Petition, July 1, 1870, from committee of citizens of Cheyenne for right of way for ditch across military reservation to supply water to the city.

(2) Bill, H. R. 1513, February 12, 1872, Forty-second Congress, relative to sinking well.

(3) Letter, March 20, 1872, V. Coburn to Secretary of War, relative to bill for sinking well.

(4) Letter, April 4, 1872, from post commander, relative to sinking well.

(5) Memorandum 4176, 1872, on envelope, relative to sinking well.

(6) Indorsement, true copy by Gen. Meigs, April 16, 1872, to chief quartermaster, relative to artesian well.

(7) Memorandum, April 22, 1872, by Secretary of War to Committee on Military Affairs, relative to sinking well.

(8) Act, approved June 8, 1872, authorizing Secretary of War to sink artesian well.

(9) General order, June 29, 1872, referring to act of Congress, relative to sinking well.

(10) Memorandum, July 30, 1872, by Gen. Meigs, relative to sinking artesian well.

(11) Letter, August 8, 1872, from governor of Wyoming to Secretary of War, relative to artesian well.

(12) Memorandum, August 12, 1872, from Secretary of War to Quartermaster General, relative to sinking well.

- (13) Letter, August 15, 1872, to chief quartermaster, directing him to sink well.
- (14) Indorsement, August 15, 1872, to Secretary of War from Quartermaster General, relative to sinking well.
- (15) Letter, August 15, 1872, from chief quartermaster, asking for funds for sinking well.
- (16) Telegram, August 15, 1872, from chief quartermaster, asking for funds for sinking well.
- (17) Indorsement, August 16, 1872, to Secretary of War, relative to appropriation for sinking well.
- (18) Letter, August 12, 1872, from Secretary of War to governor of Wyoming, relative to sinking well.
- (19) Letter, August 15, 1872, to chief quartermaster, directing him to sink well.
- (20) Memorandum 4225, August 16, 1872, relative to Secretary of War's orders for sinking well.
- (21) Memorandum 4176, August 21, 1872, relative to artesian well.
- (22) Letter, August 27, 1872, from chief quartermaster, relative to investigation of sinking well.
- (23) Memorandum 4517, September 5, 1872, inviting attention to communication of Maj. Perry.
- (24) Letter, September 7, 1872, to Maj. Perry, relative to sinking well.
- (25) Memorandum, October 7, 1872, from Secretary of War, asking what has been done relative to sinking well.
- (26) Letter, October 30, 1872, from Secretary of War to William T. Jones, relative to well.
- (27) Letter, from Lieut. Gen. Sheridan, relative to sinking well.
- (28) Letter, December 3, 1872, from chief quartermaster, relative to progress of well.
- (29) Memorandum, December 20, 1872, from Secretary of War to House of Representatives relative to progress of well.
- (30) Letter, December 23, 1872, from chief quartermaster, relative to progress of well.

1873.

- (31) Memorandum 3739-B, 1873, showing expenditure of funds for sinking well.
- (32) Letter, January 7, 1873, from Secretary of War to William T. Jones, relative to progress of sinking well.
- (33) Report of progress on artesian well from January 26 to 31, 1873.
- (34) Letter, February 7, 1873 (copy), to chief quartermaster, relative to progress on well.
- (35) Letter, February 10, 1873 (copy), to chief quartermaster, relative to progress on well from February 1 to 7, 1873.
- (36) Letter, February 18, 1873, from Secretary of War to William T. Jones, relative to progress on artesian well.
- (37) Letter, February 24, 1873, from Secretary of War to William T. Jones, relative to progress on artesian well.
- (38) Letter, February 8, 1873 (copy), to Gen. Perry, with detailed statement of progress on well.
- (39) Report of progress of well from February 1 to 7, 1873, inclusive.
- (40) Report of progress of well from February 8 to 14, 1873, inclusive.
- (41) Report of operations of well from February 8 to 14, inclusive.
- (42) Report of progress of well from February 15 to 21, inclusive.
- (43) Letter from chief quartermaster, February 24, 1873, forwarding report of progress of well.
- (44) Letter, March 6, 1873, from Secretary of War to W. T. Jones, showing report of operations of well.
- (45) Letter, March 7, 1873, from Secretary of War to W. T. Jones, inclosing detailed statement of progress on well.
- (46) Letter, March 10, 1873 (copy), from chief quartermaster, forwarding report on artesian well.
- (47) Letter, March 13, 1873, from Secretary of War to W. T. Jones, inclosing report of progress on well.
- (48) Log., March 20, 1873, showing depth, strata, etc., of artesian well.
- (49) Memorandum, H. T. C., in relation to revoking authorization of additional \$5,000 for well.
- (50) Report of operations of artesian well from March 1 to 7, 1873.
- (51) Report of progress of artesian well from March 22 to 28, 1873.
- (52) Letter, March 31, 1873 (copy), from chief quartermaster forwarding report of progress on well.
- (53) Report of progress of artesian well from March 29 to April 4, 1873.

(54) Letter, April 7, 1873 (copy), from chief quartermaster forwarding report of progress on well.

(55) Report of progress of artesian well from April 5 to 11, 1873.

(56) Letter, April 12, 1873 (copy), from depot quartermaster reporting expenses on account of well to date.

(57) Letter, April 14, 1873 (copy), from chief quartermaster forwarding report on artesian well.

(58) Report of progress of artesian well from April 12 to 18, 1873.

(59) Letter, April 19, 1873 (copy), from depot quartermaster reporting expenses incurred on account of well.

(60) Report of operations of artesian well from April 19 to 24, 1873.

(61) Letter, April 26, 1873 (copy), from depot quartermaster reporting expenses incurred on account of well.

(62) Letter, April 27, 1873 (copy), to chief quartermaster relative to drilling and casing well.

(63) Letter, April 27, 1873 (copy), from depot quartermaster to chief quartermaster relative to drilling and casing well.

(64) Letter, April 28, 1873 (copy), from chief quartermaster reporting operations on well.

(65) Letter, May 5, 1873 (copy), from chief quartermaster reporting operations on well.

(66) Letter from chief quartermaster reporting operations on well from April 25 to May 2, 1873.

(67) Telegram, May 19, 1873, from Lieut. Gen. Sheridan reporting depth of well, etc.

(68) Letter, May 23, 1873, to chief quartermaster authorizing \$3,000 for work on well.

(69) Letter, May 28, 1873, from Adjutant General relative to authorization of \$3,000.

(70) Indorsement, June 3, 1873 (true copy), relative to expenditure of \$3,000.

(71) Report of journeys performed by chief quartermaster during fiscal year ending June 30, 1873.

(72) Statement of funds received, disbursed, etc., during fiscal year ending June 30, 1873.

(73) Statement of funds received, disbursed, etc., during fiscal year ending June 30, 1873.

(74) Letter, August 26, 1873, to Navy Department, with statement of sinking artesian well.

(75) Letter, August 16, 1873 (copy), from depot quartermaster, with report of work on well.

(76) Synopsis, artesian well.

(77) Memorandum, August 21, 1873, relative to expenditure of funds and statement of sinking of well.

(78) Letter, August 22, 1873, from chief quartermaster forwarding copies of reports and operations on well.

(79) Log., August 20, 1873, of artesian well.

(80) Report, copies of operations of well.

(81) Letter, August 8, 1872, J. A. Campbell to Secretary of War relative to artesian well.

(82) Indorsement, August 23, 1873, Secretary of War relative to expenditure of funds for well.

(83) Letter, August 27, 1873, to Secretary of War relative to strata of well, etc.

(84) Letter, September 1, 1873, from Navy Department acknowledging receipt of information relative to well.

(85) Letter, August 30, 1873 (copy), with statement of expenses on account of well.

(86) Letter, September 6, 1873 (copy), from depot quartermaster, with report of expenses on account of well.

(87) Letter, September 15, 1873 (copy), from chief quartermaster reporting progress on artesian well.

(88) Indorsement, October 4, 1873, to Secretary of War, with statement of progress on well.

(89) Letter, September 17, 1873, from chief quartermaster submitting reports of operations of Department of Platte during fiscal year ending June 30, 1873.

(90) Letter, September 17, 1873, from chief quartermaster reporting operations on well.

(91) Letter from Lieut. Gen. Sheridan to Adjutant General's office relative to sinking of artesian well (copy).

(92) Log., September 18, 1873, showing strata and location of well.

(93) Memorandum, 4682, 1873 (September 25, 1873), relative to well.

(94) Memorandum, September 29, 1873, of Gen. Meigs relative to depth of well.

- (95) Memorandum of Gen. Meigs relative to cost, etc., of well.
- (96) Letter, October 21, 1873, chief quartermaster, relative to depth of well, etc.
- (97) Letter, November 1, 1873 (copy), from depot quartermaster reporting expenses on account of well.
- (98) Letter, November 3, 1873 (copy), from chief quartermaster forwarding reports on artesian well.
- (99) Letter, November 8, 1873, from depot quartermaster reporting expenses on account of well.
- (100) Letter, November 10, 1873 (copy), chief quartermaster forwards report of progress on well.

1874.

- (101) Letter, April 7, 1874 (copy), depot quartermaster forwards report of expenditures on account of well.
- (102) Letter, April 6, 1874 (copy), chief quartermaster forwards reports of progress of artesian well.
- (103) Letter, April 5, 1874 (copy), depot quartermaster furnishes statement concerning well.
- (104) Letter, April 13, 1874 (copy), depot quartermaster furnishes statement concerning sinking of well.
- (105) Letter, April 14, 1874, to Secretary of War returning telegram of Lieut. Gen. Sheridan of April 11, relative to stopping work on well.
- (106) Memorandum, April 16, 1874, from Secretary of War to Gen. Sheridan regarding expenditure of \$5,000 additional for well.
- (107) Letter, April 20, 1874, from chief quartermaster transmitting copies of correspondence regarding well.
- (108) Memorandum, April 23, 1874, from Secretary of War to Gen. Sheridan relative to stopping work on well.
- (109) Memorandum, April 22, 1874, from Secretary of War to Gen. Sheridan reporting cost of well.
- (110) Memorandum, referring to act authorizing expenditure of \$10,000 for well.
- (111) Memorandum, July 24, 1874, referring to condition of well.
- (112) Indorsement, July 31, 1874, to Secretary of War relative to expenditures on account of well.

No papers during the year 1875 to 1878, inclusive.

1879.

- (113) Memorandum, November 18, 1879, showing means of water supply at post.

1880.

- (114) Memorandum, March 18, 1880, relative to appropriation for artesian wells on the plains.
 - (115) Letter, March 18, 1880, from Quartermaster General to Col. Ingalls inquiring about apparatus used in sinking wells.
 - (116) Letter, April 10, 1880, to Secretary of War relative to consideration by Congress for appropriation for wells on plains.
 - (117) Letter, April 14, 1880, from Secretary of War to Secretary of the Interior relative to strata pierced in sinking well.
 - (118) Letter, April 15, 1880, from Secretary of the Interior to Secretary of War acknowledging receipt of letter containing well strata.
 - (119) Indorsement, August 8, 1880, to Adjutant General's Office relative to tools used in sinking well.
 - (120) Letter, August 18, 1880, from Secretary of War to Commissioner of Agriculture relative to use of tools used in sinking well.
- No papers for the years 1881 to 1883, inclusive.

1884.

- (121) Tracing, September 26, 1884, showing plan of waterworks.
- (122) Tracing, September 26, 1884, showing plan of tank for waterworks.
- (123) Letter, May 6, 1884, from regimental quartermaster transmitting plans and estimates for water system.
- (124) Estimate, May 6, 1884, for water system.
- (125) Memorandum, July 1, 1884, to Quartermaster General, relative to expenditure of \$8,000 for water supply.

(126) Indorsement, July 3, 1884, to Lieutenant General of the Army recommending favorable action.

(127) Memorandum, July 22, 1884, to Quartermaster General relative to Secretary's approval of water system at cost of \$8,000.

(128) Indorsement, July 24, 1884, to Adjutant General relative to project for water supply.

(129) Letter, October 21, 1884, from commanding officer relative to change in drawings for new building.

(130) Letter, September 26, 1884, to Col. Tompkins authorizing expenditure of \$8,002.57 for water-supply system.

(131) Indorsement, September 26, 1884, to Adjutant General relative to approval of expenditure of funds.

(132) Letter, October 18, 1884, from Assistant Adjutant General in connection with water supply and ditch being opened from Crow Creek.

(133) Letter, October 25, 1884, from post adjutant relative to crossing reservation with a ditch for supplying water to Cheyenne.

(134) Letter, October 28, 1884, from Capt. Morton, with statement concerning water ditch through reservation.

(135) Letter, October 28, 1884, from post commander with reference to future water supply at post.

(136) Letter, October 29, 1884, from Col. Anderson relative to securing water for post.

(137) Indorsement, October 30, 1884, to Adjutant General, with tracing.

(138) Proceedings, November 15, 1884, of special meeting of city council relative to supply of water at post.

1885.

(139) Indorsement, January 7, 1885, to Adjutant General relative to authorizing arrangement for water supply.

(140) Memorandum, January 6, 1885, relative water supply of post.

(141) Letter, January 14, 1885, from regimental quartermaster transmitting requisitions for material in connection with water works.

(142) Requisition, January 14, 1885, for material and tools for waterworks.

(143) Requisition, January 14, 1885, for material for new water system.

(144) Indorsement, July 14, 1885, Secretary of War recommending expenditure of \$1,595.46 for completion of water system.

(145) Indorsement, July 13, 1885 (copy), relative to additional expenditure of \$1,595.46.

(146) Indorsement, July 24, 1885, to Adjutant General relative to expenditure of \$1,595.46.

No papers for the years 1886 and 1887.

1888.

(147) Estimate, October 2, 1888, of material and labor for construction of water system, \$17,312.48.

(148) Letter, October 2, 1888, from depot quartermaster, with plans, etc., for water system.

(149) Report, July 23, 1888, relative to supplying post with adequate water supply.

(150) Report, December 18, 1888, by Engineer Miller concerning question of water supply.

1889.

(151) Letter, January 12, 1889, depot quartermaster inclosing report of the proposed water system.

(152) Indorsement, January 14, 1889, to Capt. Humphrey requesting estimate of cost of new water supply.

(153) Indorsement, November 1, 1889, from engineer officer relative proposed water system.

(154) Report, Capt. Humphrey, on proposed water system.

(155) House Document No. 125, relative to submitting estimate for appropriation of \$24,500 for completion of water-supply system.

(156) Indorsement, July 12, 1889, to Gen. Sawtelle relative to increasing water supply.

(157) Indorsement, March 16, 1889, Capt. Humphrey requesting detailed drawing, etc., of water supply.

(158) Letter, April 9, 1889, from depot quartermaster relative to furnishing of drawings, etc., for water system.

(159) Letter, April 19, 1889, to Capt. Humphrey authorizing hire of draftsman for preparing drawings, etc.

(160) Letter, May 15, 1889, relative to water and sewerage systems.

(161) Letter, May 25, 1889, from Jos. M. Carey, relative to plans for water supply.

(162) Letter, May 29, 1889, from assistant adjutant general, relative to considering water-supply question.

(163) Telegram, June 6, 1889, from department commander, relative to securing draftsman for water-system plans.

(164) Indorsement, July 24, 1889, to Secretary of War, relative to increasing water supply.

(165) Correspondence, July 25, 1889, relative expenditures \$17,312.48 for completing water system.

(166) Letter, July 20, 1889, to chief quartermaster, advising authorization of \$17,312.48.

(167) Letter, September 3, 1889, from deputy quartermaster, inclosing advertisement for water and sewerage system.

(168) Estimate, October 19, 1889, for material and labor for extension of water main, \$780.36.

(169) Estimate, October 10, 1889, for material and labor for extension of water main, \$780.36.

(170) Estimate, November 4, 1889, material and labor laying 4-inch iron pipe for irrigation, \$3,081.56.

(171) Memorandum of estimate for 4-inch pipe line for irrigating company garden.

(172) Letter, November 23, 1889, deputy quartermaster forwards plan and estimate for extension of water supply.

(173) Letter, November 22, 1889, deputy quartermaster forwards plan and estimate for extension of water main, etc.

(174) Tracing, November 4, 1889, pipe line for irrigation.

(175) Tracing, November 4, 1889, plan of proposed extension of water mains.

(176) Tracing, November 4, 1889, plan of proposed extension of water mains.

(177) Tracing, November 4, 1889, plan of proposed extension of water mains.

(178) Indorsement, December 23, 1889 (copy), to Capt. Patten, recommending ordinary drain pipe.

(179) Indorsement, December 27, 1889, to Capt. Patten, recommending approval of estimate for extension of water system.

1890.

(180) Letter, January 2, 1890, to chief quartermaster, authorizing expenditure of \$780.36 for extension water supply.

(181) Letter, January 2, 1890, to chief quartermaster, authorizing expenditure of \$3,081.56 for water supply.

(182) Contract, January 20, 1890, with Moses P. Keefe and Chas. McGarvey for constructing water system, dated December 14, 1889.

(183) Letter, February 25, 1890, to chief quartermaster, requesting plan of water system.

(184, 185) Estimate, February 12, 1890, material and labor for constructing irrigating system, \$1,670.58.

(186) Letter, February 12, 1890, from Capt. Humphrey, relative to considering system for irrigation.

(187) Letter, February 28, 1890, to chief quartermaster, authorizing \$1,670.58 for water supply.

(188) Letter, March 12, 1890, from Capt. Humphrey, inclosing plan of water system.

(189) Memorandum, February 25, 1890, from deputy quartermaster general, relative to expenditures for extension water system.

(190) Telegram, March 26, 1890, from Capt. Humphrey, relative to use of ironstone pipe for water system.

(191) Telegram, March 26, 1890 (copy), from deputy quartermaster, relative to use of ironstone pipe.

(192) Letter, March 27, 1890, to Capt. Humphrey, relative to construction irrigation system.

(193) Telegram, March 27, 1890, to Capt. Humphrey, relative to construction irrigation system.

(194) Letter, March 28, 1890, from Capt. Humphrey, inclosing plan and specification for extension irrigation water system.

(195) Contract, March 31, 1890, with Moses P. Keefe and Chas. McGarvey, for extension water system.

(196) Contract, April 8, 1890, with Moses P. Keefe and Chas. McGarvey, for extension irrigation water system.

(197) Memorandum, April 21, 1890, relative to extension water system under contractors Keefe & McGarvey.

(198) Memorandum, April 18, 1890, relative to contract for extension water system with Keefe & McGarvey.

(199) Memorandum for Capt. Chiffels's files.

No papers for 1891.

(200) 17133. Estimate, May 18, 1892, material for extension of water system; \$1,003.64.

(201) 17133. Letter, July 15, 1892, authorizing \$1,003.64 for water system.

No papers from 1893 to 1901, inclusive.

1902.

(202) 107141. Letter, February 14, 1902, from post quartermaster forwarding estimate and drawings of steel water tank.

(202a) 107141. Specifications.

(202b) 107141. Specifications.

(203) 107141. Letter, March 21, 1902, to chief quartermaster relative to erection of new water tank and trestle.

(204) 107141. Brief, April 8, 1902, chief quartermaster forwards advertisement for steel water tank.

(205) 107141. Letter, April 8, 1902, from chief quartermaster forwarding advertisement, etc., for water tank.

(205a) 107141. General instructions to bidders.

(205b) 107141. General instructions to bidders.

(205c) 107141. Specifications.

(206) 107141. Letter, May 12, 1902, from chief quartermaster, inclosing abstract and bids for water tank.

(206a) 107141. Abstract.

(206b) 107141. Specifications.

(206c) 107141. Proposal.

(206d) 107141. Instructions to bidders.

(206e) 107141. Specifications.

(206f) 107141. Proposal.

(206g) 107141. Proposal.

(206h) 107141. Instructions to bidders.

(206i) 107141. Instructions to bidders.

(206j) 107141. Proposal.

(206k) 107141. Instructions to bidders.

(206l) 107141. Specifications.

(207) 107141. Telegram, May 19, 1902, to chief quartermaster, making award for steel tank to American Bridge Co.

(208) 107141. Contract, May 20, 1902, with American Bridge Co. for steel water tank.

(209) 107141. Brief, July 2, 1902, chief quartermaster forwards contract and bond with American Bridge Co.

(210) 107141. Brief, July 5, 1902, chief quartermaster forwards letter from American Bridge Co. with reference to sheets for water tank.

(211) 107141. Letter, July 21, 1902, to chief quartermaster giving instructions relative to water tank.

(212) 107141. Letter, July 4, 1902, from quartermaster forwarding sketch of pumping station.

(212a) 107141. Sketch of pumping station.

(213) 107141. Letter, August 23, 1902, to chief quartermaster, inclosing blue-print plan concerning pump house.

(213a) 107141. Plan of pump house.

(214) 107141. Letter, August 25, 1902, from commanding general, department of Colorado, regarding water rights.

(214a) 107141. Map.

(214b) 107141. Copy of agreement, December 2, 1884, for running ditches, etc.

(214c) 107141. Copy of proceedings of city council of November 15, 1884.

(214d) 107141. Papers setting aside 160 acres for use of State for agricultural affairs, etc.

(214e) 107141. Letter from acting judge advocate, July 8, 1902, relative to location of reservoir, etc.

(214f) 107141. Letter of post commander, July 14, 1894, relative to water supply for post.

- (214g) 107141. Letter of post commander, July 15, 1894, relative to granting right of way to city of Cheyenne for pipe line, etc.
- (214h) 107141. Letter of post quartermaster, June 27, 1902, relative to conditions of water supply of post.
- (215) 107141. Letter, October 18, 1902, to chief quartermaster advising Secretary of War had made allotment for construction of pump house.
- (216) 107141. Letter, October 30, 1902, from chief quartermaster, inclosing advertisement, etc., for pump house.
- (216a) 107141. Instructions to bidders.
- (216b) 107141. Instructions to bidders.
- (216c) 107141. Specifications.
- (217) 107141. Letter, November 6, 1902, from chief quartermaster, inclosing plans for file with contract with American Bridge Co.
- (218) 107141. Letter, November 6, 1902, of post quartermaster, transmitting estimate for new pump and boiler.
- (218a) 107141. Estimate, \$955.
- (218b) 107141. Estimate for machinery, \$6,500.
- (218c) 107141. Estimate, \$955.
- (219) 107141. Letter, November 6, 1902, to chief quartermaster, requesting plat showing location of pump house.
- (220) 107141. Letter, November 1, 1902, from post quartermaster, requesting change be made in new pump house.
- (220a) 107141. Plan of pump house.
- (221) 107141. Letter, November 6, 1902, to chief quartermaster, requesting plat showing location of pump house.
- (221a) 107141. Plat of pump house.
- (222) 107141. Letter, November 29, 1902, to chief quartermaster, approving site for pump house.
- (223) 107141. Letter, December 1, 1902, from chief quartermaster, inclosing abstract and bids for pump house.
- (223a) 107141. Proposal.
- (223b) 107141. Proposal.
- (223c) 107141. Abstract.
- (223d) 107141. Specifications.
- (223e) 107141. Instructions to bidders.
- (224) 107141. Letter, December 3, 1902, from chief quartermaster, relative to investigation of water supply at post.
- (224a) 107141. Extract of report of medical inspector concerning water supply.
- (224b) 107141. Detailed statement, etc., on water supply at post.
- (225) 107141. Letter, December 6, 1902, to Capt. Baker, directing him to proceed to Fort D. A. Russell and make examination of water supply.
- (226) 107141. Letter, December 6, 1902, to post commander, inclosing letter of instructions to Capt. Baker.
- (226½) 107141. Letter, December 6, 1902, to department commander, inclosing letter of instructions to Capt. Baker.
- (227) 107141. Letter, December 6, 1902, from chief quartermaster, inclosing papers regarding water supply.
- (227a) 107141. Bill granting permission to military authorities to cut ice from Lake Absaraka.
- (227b) 107141. Copy of letter of city clerk, inclosing duplicate copy of ordinance relative to cutting ice.
- (228) 107141. Telegram, December 15, 1902, to Capt. Baker, relative to rejecting bid for pump house.
- (229) 107141. Telegram, December 15, 1902, to chief quartermaster, relative to construction of pump house.
- (230) 107141. Telegram, December 15, 1902, from post quartermaster, relative to brick chimney for pump house.
- (231) 107141. Telegram, December 18, 1902, to post quartermaster, relative to question of chimney for pump house.
- (232) 107141. Telegram, December 17, 1902, from Capt. Baker, relative to city of Cheyenne passing ordinance for furnishing water.
- (233) 107141. Letter, December 18, 1902, to chief quartermaster, relative to making changes in plan of pump house.
- (234) 107141. Telegram, December 19, 1902, to chief quartermaster, requesting reply relative to construction of pump house.
- (235) 107141. Letter, December 17, 1902 (copy), from Maj. Baker, relative to making contract for water rights, etc.

(236) 107141. Letter, December 19, 1902, to chief quartermaster, relative to work on tank and trestle by American Bridge Co.

(237) 107141. Telegram from chief quartermaster (Dec. 20, 1902), relative to construction of pump house.

(238) 107141. Letter, December 17, 1902, from post commander, reporting passing of ordinance by city council for water rights.

(239) 107141. Telegram, December 23, 1902, to chief quartermaster, rejecting bid for pump house.

(240) 107141. Letter, December 24, 1902, to chief quartermaster, inclosing blue print showing site of pump house.

(241) 107141. Telegram, December 31, 1902, to constructing quartermaster to make borings for site of pump house.

(242) 107141. Letter, December 19, 1902, to chief quartermaster, requesting status of tank and trestle.

(242a) 107141. Copy of letter of post quartermaster of November 6, 1902, relative to construction of tank and trestle.

(242b) 107141. Copy of letter of American Bridge Co. of November 8, relative to construction of tank and trestle.

(242c) 107141. Copy of letter of American Bridge Co., December 12, 1902, relative to construction of tank and trestle.

(242d) 107141. Letter, American Bridge Co., December 27, relative to their contract for tank and trestle.

(242e) 107141. Copy letter of post quartermaster, December 27, relative to construction of tank and trestle.

(242f) 107141. Letter, American Bridge Co., November 19, relative to construction of tank and tower.

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(243) 107141. Letter, January 13, 1903, chief quartermaster, relative to completing contract for tank and trestle.

(244) 107141. Letter, December 30, 1902, from Capt. Baker, making report of examination of water supply.

(244a) 107141. Copy of report.

(244b) 107141. Record of precipitation.

(244c) 107141. Extracts from medical history of post.

(244d) 107141. Extracts from medical history of post.

(244e) 107141. City ordinance passed December 16, 1902.

(244f) 107141. Copy of agreement with city of Cheyenne for water supply. March 25, 1903.

(244g) 107141. Copy of agreement with city of Cheyenne for water supply. March 25, 1903.

(244h) 107141. Copy of agreement with city of Cheyenne for running ditches, etc.

(245) 107141. January 15, 1903, to constructing quartermaster, inclosing reports, etc., on subject water supply.

(246) 107141. Letter, February 6, 1903, to Secretary War, recommending additional allotment \$3,600 for construction pump house.

(247) 107141. Letter, February 10, 1903, to constructing quartermaster, directing inviting of proposals for pump house and machinery.

(248) 107141. Letter, February 11, 1903, from constructing quartermaster, relative to subject increasing water supply.

(248a) 107141. Specifications for drilling well.

(248b) 107141. Abstract of proposals for test wells.

(249) 107141. Letter, February 23, 1903, to chief quartermaster, inclosing agreement relative to water supply.

(250) 107141. Telegram, March 2, 1903, from post quartermaster, relative to sinking well.

(251) 107141. Telegram, March 3, 1903, to constructing quartermaster, relative to action on letter of February 11.

(252) 107141. Telegram, March 2, 1903, from post quartermaster, relative to specifications for pump house.

(253) 107141. Telegram, March 3, 1903, to constructing quartermaster, to include advertisement for pump house with other buildings.

(254) 107141. Letter, February 23, 1903, from constructing quartermaster, forwarding approved specifications for pump house and machinery.

(255) 107141. Letter, March 3, 1903, to constructing quartermaster, returning proof of specifications for pump house.

(256) 107141. Letter, March 6, 1903, to Secretary of War, recommending expenditure of \$10,000 for sinking well.

- (257) 107141. Letter, March 16, 1903, to constructing quartermaster, directing to invite bids to sink 2 or more wells.
- (258) 190637. Contract, May 11, 1903, with Robt. Bradley and Chas. McCarvey, for construction of 9 buildings.
- (259) 190637. Contract, May 11, 1903, with Harris & Algor, for steam boilers, etc.
- (260) 107141. Letter, March 20, 1903, from American Bridge Co., regarding delay in erecting tank and trestle.
- (261) 107141. Letter, March 20, 1903, from constructing quartermaster, forwarding specifications, etc., for pump house.
- (261a) 107141. Plans for pump house.
- (261b) 107141. Specifications for pump house.
- (261c) 107141. Instructions to bidders.
- (262) 107141. Letter, March 21, 1903, from constructing quartermaster, relative to specifications for wells and improving irrigating system.
- (263) 107141. Letter, March 26, 1903, to constructing quartermaster, relative to specifications for pump house.
- (264) 107141. Telegram, March 26, 1903, from chief quartermaster, relative to execution of agreement by mayor of Cheyenne.
- (265) 107141. Telegram, March 28, 1903, to chief quartermaster directing him to sign agreement.
- (266) 107141. Letter, March 11, 1903, from constructing quartermaster, forwarding plans, specifications, etc., for extension of water system.
- (266a) 107141. Estimate for extension of water system, \$11,805.
- (267) 107141. Letter, March 21, 1903, to Secretary of War, recommending expenditure of \$13,000 for extension and improvement of water system.
- (267a) 107141. Memoranda of provisions to be made at various military posts for accommodation of troops returning from Philippines and Cuba, dated July 4, 1902.
- (268) 107141. Letter, March 28, 1903, to constructing quartermaster, directing inviting proposals for extension and improvement of water system.
- (269) 107141. Letter, March 26, 1903, from constructing quartermaster regarding sinking well.
- (269a) 107141. Instructions to bidders.
- (270) 107141. Brief, March 30, 1903, chief quartermaster returns draft of agreement with city council for water supply.
- (271) 107141. Letter, April 14, 1903, to chief quartermaster, inclosing copy of agreement for water supply.
- (272) 107141. Letter, April 14, 1903, to constructing quartermaster, transmitting copy agreement of March 25, 1903, for water supply.
- (273) 107141. Letter, April 4, 1903, from constructing quartermaster, inclosing plan, specification, etc., for irrigating conduit.
- (273a) 107141. Plan of proposed irrigating conduit.
- (273b) 107141. Plan of irrigating conduit.
- (273c) 107141. Copy of Capt. Baker's report of December 3, 1902.
- (274) 107141. Brief, April 7, 1903, constructing quartermaster returns plan and specification, etc., of work.
- (275) 107141. Letter, May 2, 1903, from constructing quartermaster, forwarding abstract and proposals for sinking well.
- (275a) 107141. Proposal.
- (275b) 107141. Proposal.
- (275c) 107141. Proposal.
- (275d) 107141. Proposal.
- (275e) 107141. Proposal.
- (275f) 107141. List of well drillers.
- (275g) 107141. Abstract of proposals.
- (276) 107141. Letter, May 12, 1903, to constructing quartermaster, directing award for sinking well to be made to Ekstrom & Carlstrom.
- (277) 107141. Letter, May 20, 1903, to constructing quartermaster, directing inviting of bids for irrigating conduit.
- (278) 107141. Letter, April 6, 1903, from constructing quartermaster, on subject of irrigating conduit.
- (279) 107141. Letter, May 16, 1903, to constructing quartermaster, relative to district attorney cooperating with military authorities in securing right of way for irrigating conduit.
- (280) 107141. Letter, April 7, 1903, from constructing quartermaster, returning plan, specification, etc., for extension water system.
- (280a) 107141. Plan of water system.
- (280b) 107141. Plan of water system.

- (280c) 107141. Instructions to bidders.
- (280d) 107141. Instructions to bidders.
- (280e) 107141. Specifications.
- (281) 107141. Letter, May 16, 1903, to chief quartermaster, directing him to take steps for securing right of way for 12-inch irrigating conduit.
- (282) 107141. Letter, May 16, 1903, to Secretary of War, relative to laying 12-inch conduit from Crow Creek to post.
- (283) 107141. Letter, May 13, 1903, from constructing quartermaster, forwarding abstract and proposals for new water system.
- (283a) 107141. Abstract.
- (283b) 107141. Proposal.
- (283c) 107141. Proposal.
- (283d) 109141. Proposal.
- (283e) 107141. Proposal.
- (283f) 107141. Proposal.
- (283g) 107141. Proposal.
- (283h) 107141. Proposal.
- (283i) 107141. Proposal.
- (284) 107141. Telegram, May 22, 1903, to constructing quartermaster, awarding bid for new water system to Holm & Allen Pipe & Construction Co.
- (285) 107141. Letter, May 18, 1903, from constructing quartermaster, transmitting contract of Ekstrom & Carlstrom.
- (286) 107141. Letter, May 19, 1903, from post surgeon relative to painting inside of new water tank.
- (287) 107141. Contract, dated May 15, 1903, with Ekstrom & Carlstrom, for sinking wells.
- (288) 107141. Letter, May 28, 1903, to constructing quartermaster, approving contracts with Ekstrom & Carlstrom and M. P. Keefe.
- (289) 196326. Report of progress for September, 1903, regarding well.
- (290) 196326. Report of progress for October, 1903, regarding well.
- (291) 107141. Letter, May 28, 1903, from district attorney, relative to right of way for irrigating conduit.
- (292) 107141. Letter, May 29, 1903, from constructing quartermaster, forwarding contract and bond with Holm & Allen Pipe & Construction Co.
- (293) 107141. Contract, May 25, 1903, with Holm & Allen Pipe & Construction Co., for water system.
- (294) 107141. Letter, June 2, 1903, from constructing quartermaster, forwarding plans, specifications, etc., for water system.
- (295) 107141. Letter, June 2, 1903, from constructing quartermaster, forwarding advertisement, instructions to bidders, etc., for water system.
- (296) 107141. Letter, June 5, 1903, from constructing quartermaster, forwarding specifications, advertisement, etc., for irrigating conduit.
- (296a) 107141. Instructions to bidders.
- (296b) 107141. Specifications.
- (297) 107141. Brief, June 4, 1903, Andrew Kiewit requests information when successful bidder will sign papers for water system.
- (298) 107141. Letter, June 9, 1903, to chief quartermaster, making allotment of \$100 to cover cost of right of way for pipe line.
- (299) 107141. Telegram, June 10, 1903, to chief quartermaster, to have paint removed from inside of new steel tank.
- (300) 107141. Letter, June 8, 1903, from constructing quartermaster, stating commencement of work under contract with Ekstrom & Carlstrom and Holm & Allen.
- (301) 107141. Letter, June 13, 1903, to constructing quartermaster, relative to payments for advertising and printing for irrigating conduit.
- (302) 107141. Telegram, June 12, 1903, from post quartermaster, relative to test of one of the wells.
- (303) 107141. Telegram, June 17, 1903, to constructing quartermaster, relative to test of wells.
- (304) 107141. Letter, June 19, 1903, to constructing quartermaster, approving contract with Holms & Allen Pipe & Construction Co.
- (305) 107141. Letter, June 13, 1903, from constructing quartermaster, making report regarding progress of well.
- (306) 107141. Letter, June 23, 1903, from chief quartermaster, relative to securing right of way through certain ranches.
- (307) 107141. Letter, June 26, 1903, from constructing quartermaster, submitting report of progress on second well.
- (308) 107141. Letter, June 29, 1903, to chief quartermaster, relative to securing right of way for pipe line.

- (309) 107141. Telegram, June 29, 1903, from post quartermaster, relative to flue lining for stack of pump house.
- (310) 107141. Telegram, July 2, 1903, to constructing quartermaster, relative to use of flue lining.
- (311) 107141. Letter, July 3, 1903, from constructing quartermaster, relative to construction of pump house.
- (312) 107141. Letter, July 7, 1903, to constructing quartermaster, relative to test of well.
- (313) 107141. Brief, June 22, 1903, American Bridge Co. request release from their bond for water tower construction.
- (314) 107141. Letter, July 9, 1903, from constructing quartermaster, forwarding abstract and bids for irrigating conduit.
- (314a) 107141. Proposal.
- (314b) 107141. Proposal.
- (314c) 107141. Proposal.
- (314d) 107141. Proposal.
- (314e) 107141. Proposal.
- (314f) 107141. Abstract.
- (314g) 107141. Proposal.
- (315) 107141. Letter, July 13, 1903, from constructing quartermaster, onsubject of well.
- (316) 107141. Letter, July 14, 1903, from chief quartermaster, relative to expenditure of \$100 for right of way for pipe line.
- (317) 107141. Letter, July 3, 1903, from constructing quartermaster, requesting advice upon sinking of wells, etc.
- (317a) 107141. Estimate for connecting wells, \$1,782.90.
- (317b) 107141. Sketch and log of well.
- (318) 107141. Letter, July 20, 1903, to constructing quartermaster, advising that award for conduit will be held in abeyance.
- (319) 107141. Letter, July 20, 1903, from constructing quartermaster on subject of sinking two more wells.
- (320) 107141. Letter, August 1, 1903, to constructing quartermaster, advising of allotment of \$1,782.90 for connecting wells when completed.
- (321) 107141. Letter, August 5, 1903, from constructing quartermaster, requesting authority to use wrought-iron pipe in lieu of cast iron.
- (322) 107141. Letter, August 7, 1903, to constructing quartermaster, authorizing him to continue sinking additional four wells.
- (323) 107141. Brief, August 7, 1903, constructing quartermaster requests information relative to sinking four additional wells.
- (324) 107141. Telegram, August 7, 1903, from post quartermaster, requesting extension of pipe system for water main.
- (325) 107141. Telegram, August 10, 1903, to constructing quartermaster, granting authority to extend pipe system at post.
- (326) 107141. Telegram, August 14, 1903, to chief quartermaster to wire status of right of way for pipe line through Ketcham's land.
- (327) 107141. Telegram, August 15, 1903, from chief quartermaster, relative to granting right of way through Ketcham's land.
- (328) 107141. Telegram, August 14, from post quartermaster, relative to making contract with Keefe for irrigating conduit.
- (329) 107141. Telegram, August 18, 1903, to constructing quartermaster, calling for explanation why pipe is carried above ground.
- (330) 107141. Telegram, August 19, 1903, to constructing quartermaster, awarding contract to M. P. Keefe for \$8,775.
- (331) 107141. Telegram, August 18, 1903, from constructing quartermaster, regarding fall of pipe.
- (332) 107141. Telegram, August 21, 1903, to constructing quartermaster, authorizing wrought-iron pipe instead of cast iron.
- (333) 107141. Letter, August 13, 1903, from chief quartermaster, transmitting copy of order of judge of circuit court relative to right of way through Ketcham's land.
- (334) 107141. Brief, August 15, 1903, constructing quartermaster reports upon well.
- (335) 107141. Letter, August 20, 1903, to Judge Advocate General, transmitting for file papers for right of way for irrigating conduit.
- (336) 107141. Copy of order between United States, plaintiff, and Frank Ketcham and Zeld Ketcham, his wife, defendants.
- (337) 107141. Copy of deed between Claus Sievers and State of Wyoming, parties of the first part, and the United States of America, the second part.
- (338) 107141. Plat, showing right of way for irrigation pipe.

- (339) 107141. Letter, August 26, 1903, from constructing quartermaster, forwarding contract with M. P. Keefe for irrigating conduit.
- (340) 107141. Contract, August 19, 1903, with M. P. Keefe, for irrigating conduit.
- (341) 107141. Letter, August 28, 1903, from constructing quartermaster, relative to capacity of pumps.
- (342) 107141. Letter, September 7, 1903, from constructing quartermaster, regarding casing of wells.
- (342a) 107141. Photograph of well.
- (342b) 107141. Photograph of well.
- (343) 107141. Letter, September 15, 1903, from constructing quartermaster, forwarding correspondence relative to right of way for irrigating conduit.
- (343a) 107141. Correspondence relative to right of way for irrigating conduit.
- (344) 107141. Letter, September 19, 1903, to constructing quartermaster, approving contract of M. P. Keefe for irrigating conduit.
- (345) 107141. Letter, September 5, 1903, from Mathias Ekstrom, requesting waiver of time limit on contract for sinking well.
- (346) 107141. Letter, September 24, 1903, to constructing quartermaster, authorizing Ekstrom and Carlstrom to continue work on wells.
- (347) 107141. Brief, September 11, 1903, constructing quartermaster forwards extra under contract for addition to water system with the Holm & Allen Pipe & Construction Co.
- (348) 107141. Letter, October 8, 1903 from constructing quartermaster, regarding right of way for irrigating conduit under railroad tracks.
- (349) 107141. Letter, October 17, 1903, to chief quartermaster, in relation to right of way for irrigation conduit beneath railroad tracks.
- (350) 107141. Letter, October 13, 1903, from constructing quartermaster, returning copies of extra agreement with the Holm & Allen Pipe & Construction Co.
- (351) 107141. Telegram, October 13, 1903, from constructing quartermaster, regarding action concerning new pump.
- (352) 107141. Letter, October 17, 1903, to constructing quartermaster, relative to pump.
- (353) 107141. Letter, October 23, 1903, to constructing quartermaster, regarding the omission of strainer.
- (354) 107141. Letter, November 11, 1903, from constructing quartermaster, in connection with new water system, and forwards plan for file.
- (354a) 107141. Plan of new water system.
- (355) 107141. Indorsement, December 31, 1903, from constructing quartermaster, forwarding analysis of wells.

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- (356) 107141. Letter, January 18, 1904, from constructing quartermaster, reporting completion of 12-inch irrigating conduit.
- (357) 107141. Letter, March 18, 1904, from constructing quartermaster, requesting authority to make extra agreement with Harris & Alger for making connections with new pump.
- (358) 107141. Letter, March 26, 1904, to Capt. Scott, to enter into extra agreement with Harris & Alger for pump connections.
- (359) 107141. Letter, April 27, 1904, from chief quartermaster, relative to copy of order of Judge Riner granting right of way.
- (360) 107141. Letter, May 7, 1904, to Capt. Scott, authorizing \$2 for certified copy of order of Judge Riner for right of way.
- (361) 107141. Telegram, May 21, 1904, from chief quartermaster, relative to destruction of pipe connecting pumping plant with well.
- (362) 107141. Telegram, May 21, 1904, to chief quartermaster, authorizing \$750 to repair break in water system.
- (363) 107141. Letter, May 28, 1904, from post quartermaster, forwarding tracing of portion of post showing origin of water system.
- (363a) 107141. Map showing portion of water pipe destroyed.
- (364) 107141. Telegram, May 21, 1904, relative to destruction of pipe line crossing Crow Creek.
- (364a) 107141. Telegram (copy), May 21, 1904, relative to expenditure of funds for repairing water pipe.
- (364b) 107141. Estimate of funds for repair of water pipe.
- (365) 107141. Letter, June 29, 1904, to chief quartermaster, authorizing expenditure of \$425 for repairing water-pipe lines.
- (366) 107141. Brief, October 5, 1904, constructing quartermaster submits blue print showing location of new cavalry barracks, etc., in proposed extension of water-pipe line.

(367) 107141. Brief, September 1, 1904, quartermaster advises surplus of one pump at pumping station.

(368) 107141. Letter, October 5, 1904, from constructing quartermaster, forwarding blue print of the proposed water system extension.

(368a) 107141. Map of proposed water system extension.

(369) 107141. Letter, November 16, 1904, to constructing quartermaster, requesting information of status of work of installing boiler, etc.

(370) 107141. Letter, November 21, 1904, from constructing quartermaster, reporting completion of contract for erecting boiler, etc., in August, 1904.

1905.

(371) 107141. Letter, January 13, 1905, to Secretary of War, recommending expenditure of \$800 for extension of water system.

(372) 107141. Letter, January 20, 1905, to constructing quartermaster, to invite bids for extension of water system.

(373) 107141. Letter, January 20, 1905, to constructing quartermaster, with authority for necessary job printing in connection with water system.

(374) 107141. Letter, February 4, 1904, from constructing quartermaster, forwarding specifications, advertisement, etc., for extension of water system.

(374a) 107141. Instructions to bidders.

(374b) 107141. Instructions to bidders.

(374c) 107141. Advertisement for extension of water system.

(375) 107141. Letter, February 10, 1904, to constructing quartermaster, requesting report of cost of job printing.

(376) 107141. Letter, March 7, 1905, from constructing quartermaster, forwarding abstract and bids for extension of water system.

(376a) 107141. Abstract.

(376b) 107141. Instructions to bidders.

(376c) 107141. Proposal.

(376d) 107141. Proposal.

(376e) 107141. Proposal.

(376f) 107141. Proposal.

(376g) 107141. Proposal.

(376h) 107141. Proposal.

(376i) 107141. Proposal.

(376j) 107141. Proposal.

(376k) 107141. Specifications.

(376l) 107141. Plat.

(377) 107141. Letter, March 18, 1905, to constructing quartermaster, authorizing award to St. John & Barnes for \$730.

(378) 107141. Letter, March 18, 1905, from constructing quartermaster, forwarding contract with St. John & Barnes.

(379) 107141. Contract, April 1, 1905, with St. John & Barnes for extension of water system.

(380) 107141. Letter, March 19, 1905, from commanding officer, forwarding communication on increase of water supply.

(380a) 107141. Letter, October 28, 1904, on subject of increased water supply from post quartermaster.

(380b) 107141. Letter, September 15, 1904, from post quartermaster, submitting scheme for increasing water supply.

(381) 107141. Letter, April 20, 1905, to chief quartermaster, requesting sample of water from well and reservoir.

(382) 107141. Letter, April 21, 1905, to chief quartermaster, authorizing \$3 for receptacle for samples of water.

(383) 107141. Letter, May 12, 1905, to department quartermaster, Washington, to send for box of sample water.

(384) 107141. Letter, May 12, 1905, to constructing quartermaster, approving contract with St. John & Barnes for extension of water system.

(385) 107141. Letter, May 27, 1905, from Curator, Army Medical Museum, with bacteriological examination of water.

(385a) 107141. Letter, May 18, 1905, from chemist, with analysis of water.

(386) 107141. Letter, June 15, 1905, from constructing quartermaster, reporting completion of contract with St. John & Barnes.

(387) 107141. Letter, July 13, 1905, to constructing quartermaster, to invite bids for sinking 6-inch well.

(388) 107141. Letter, July 14, 1905, to constructing quartermaster, with authority for necessary job printing, etc., in connection with well.

(389) 107141. Letter, July 29, 1905, from constructing quartermaster, inclosing advertisement for sinking wells.

(389a) 107141. Specifications.

(389b) 107141. Specifications.

(389c) 107141. Advertisement.

(389d) 107141. Advertisement.

(390) 107141. Letter, August 29, 1905, from constructing quartermaster, forwarding abstract and proposal for sinking well.

(390a) 107141. Abstract.

(390b) 107141. Proposal.

(390c) 107141. Proposal.

(390d) 107141. Proposal.

(391) 107141. Letter, September 20, 1905, to constructing quartermaster, making award to ——— for sinking well.

(392) 107141. Letter, October 6, 1905, from constructing quartermaster, forwarding contracts with William W. Doyle for sinking well.

(392a) 107141. Contract, September 26, 1905, with William W. Doyle.

(393) 227302. Report of progress for December, 1905, concerning wells.

(394) 227302. Report of progress for January, 1906, concerning wells.

(395) 227302. Report of progress for February, 1906, concerning wells.

(396) 227302. Report of progress for March, 1906, concerning wells.

(397) 227302. Report of progress for March, 1906, concerning wells.

(398) 227302. Report of progress for April, 1906, concerning wells.

(399) 107141. Letter, October 13, 1905, to constructing quartermaster, approving contract with William W. Doyle.

(400) 107141. Letter, October 9, 1905, from T. H. Humphreys, reporting on water supply.

(401) 107141. Letter, December 27, 1905, from constructing quartermaster, relative to drilling of wells.

1906.

(402) 185893. Letter, January 28, 1906, to Capt. Goodale, relative to completion of work within stipulated time.

(403) 107141. Letter, January 25, 1906, to constructing quartermaster, approving supplementary agreement of William W. Doyle.

(404) 107141. Letter, February 14, 1906, of constructing quartermaster, relative to sinking of well.

(405) 107141. Telegram, February 28, 1906, to T. H. Humphreys, with instructions to examine water supply.

(406) 107141. Telegram, March 3, 1906, from constructing quartermaster, recommending sinking of another well.

(407) 107141. Telegram, March 5, 1906, to constructing quartermaster, relative to sinking third well.

(408) 107141. Letter, March 26, 1906, from T. H. Humphreys, with report of examination of water supply.

(408a) 107141. Blue print of post.

(409) 107141. Letter, April 2, 1906, to chief quartermaster, relative to placing valve on 6-inch pipe to pump.

(410) 107141. Telegram, April 18, 1906, from constructing quartermaster, requesting authority to sink two more wells.

(411) 107141. Telegram, April 20, 1906, to constructing quartermaster, relative to sinking well.

(412) 107141. Telegram, May 9, 1906, from constructing quartermaster, to close contract with W. W. Doyle for sinking wells.

(413) 107141. Telegram, May 11, 1906, to constructing quartermaster, to discontinue sinking wells.

(414) 107141. Letter, May 22, 1906, from constructing quartermaster, with report of water supply.

(414a) 107141. Illustration of fire pump.

(414b) 107141. Tracing of water-pipe line, etc.

(415) 107141. Letter, November 10, 1906, to constructing quartermaster, requesting information of underground-water stratum of Crow Creek.

(416) 107141. Telegram, November 14, 1906, from constructing quartermaster, relative to increasing water supply.

(417) 107141. Letter, November 15, 1906, to constructing quartermaster, authorizing \$50 for increasing water supply.

(418) 107141. Telegram, November 15, 1906, to constructing quartermaster, authorizing \$50 in connection with water supply.

(419) 107141. Telegram, November 14, 1906, from constructing quartermaster, relative to increasing water supply.

(420) 107141. Telegram, November 14, 1906, from constructing quartermaster, requesting authority for \$50 in connection with water supply.

(421) 107141. Letter, December 14, 1906, from constructing quartermaster, relative to wire in dam.

1907.

(422) 107141. Telegram, April 6, 1907, to constructing quartermaster, authorizing \$600 for machinery for wells.

(423) 107141. Letter, April 6, 1907, to constructing quartermaster, authorizing \$600 for machinery for testing wells.

(424) 221409. Letter, December 17, 1907, relative to test of capacity of artesian wells.

(424a) 221409. Blue print showing location of water supply.

(424b) 221409. Sketch showing elevation of water in artesian wells.

(424c) 221409. Illustration, artesian-well engine.

(424d) 221409. Illustration, artesian-well pump.

1908.

(425) 221409. Letter, January 2, 1908, from constructing quartermaster, forwarding map of buildings under construction and water and sewer systems for same.

(426) 221409. Letter, February 10, 1908, to constructing quartermaster, relative to water supply, etc.

(427) 221409. Letter, February 26, 1908, to constructing quartermaster, directing inviting of proposals for water and sewer distributing systems.

(428) 221409. Letter, April 2, 1908, from constructing quartermaster, forwarding advertisement, specifications, etc., for water and sewer systems.

(428a) 221409. Plan showing sewer and connections.

(428b) 221409. Plan showing water mains and connections.

(428c) 221409. Specification for extension to sewerage and drainage systems.

(428d) 221409. Specifications, extension of water-distributing system.

(428e) 221409. Advertisement, water and sewer systems.

(428f) 221409. Advertisement, water and sewer systems.

(428g) 221409. Instructions to bidders for water and sewer systems.

(428h) 221409. Plan, sewer.

(428i) 221409. Plan, manholes.

(428j) 221409. Plan, water and sewer extensions.

(429) 221409. Letter, April 11, 1908, to constructing quartermaster, relative to specifications for water and sewer systems.

(430) 221409. Letter, April 27, 1908, from constructing quartermaster, submitting estimate for new water project, and report of city engineer.

(430a) 221409. Report of city engineer.

(431) 221409. Letter, April 28, 1908, from constructing quartermaster, forwarding bids for extension to water and sewer systems.

(431a) 221409. Proposal.

(431b) 221409. Proposal.

(431c) 221409. Proposal.

(431d) 221409. Proposal.

(431e) 221409. Proposal.

(431f) 221409. Proposal.

(431g) 221409. Proposal.

(431h) 221409. Proposal.

(431i) 221409. Abstract.

(431j) 221409. Proposal.

(432) 221409. Letter, May 14, 1908, to constructing quartermaster, awarding contract for water and sewer systems to W. W. Keefe, in total sum of \$13,087.40.

(433) 221409. Letter, May 22, 1908, constructing quartermaster forwards contract with W. W. Keefe for water and sewer systems.

(433a) 221409. Contract.

(434) 221409. Letter, June 5, 1908, to constructing quartermaster, authorizing \$13,227.44 for constructing extensions to water and sewer systems.

(435) 221409. Gauge, May, 1908, in feet of Middle Crow Creek, near Hecla, Wyo.

(436) 221409. Telegram, July 25, 1908, Quartermaster General requests certain papers relative to water system, etc.

(437) 221409. Letter, July 25, 1908, to Gen. Aleshire, transmitting papers in connection with water supply.

- (438) 221409. Notes, by Mr. T. H. Humphreys, regarding water supply.
- (439) 221409. Notes, by Col. Ruhlen, regarding increase of water supply.
- (440) 221409. Statement, approved project for buildings for fiscal year 1909.
- (441) 221409. Telegram, August 11, 1908, to Gen. Aleshire, regarding reservoirs and water improvements of Cheyenne.
- (442) 221409. Telegram, August 13, 1908, from Gen. Aleshire, requesting copy of Senator Warren's letter.
- (443) 246461. Letter, August 7, 1908, from Senator Warren, regarding matter of water supply.
- (444) 221409. Telegram, August 28, 1908, from Senator Warren, regarding progress water question.
- (445) 221409. Telegram, August 29, 1908, to Senator Warren, regarding scheme for water system.
- (446) 248551. Letter, August 29, 1908, to Senator Warren, stating that Gen. Bell was favorably impressed with general scheme for water supply.
- (447) 221409. Correspondence between Quartermaster General and Judge Advocate General regarding water system supply.
- (448) 221409. Correspondence between Quartermaster General and Judge Advocate General regarding scheme for water supply.
- (449) 246461. Letter, September 5, 1908, from Senator Warren, relative to water system.
- (450) 221409. Telegram, September 9, 1908, from Senator Warren, stating citizens had voted that Cheyenne should bond to insure water supply for Fort Russell.
- (451) 248551. Letter, September 10, 1908, from Senator Warren, inclosing report of meeting held for considering bond issue.
- (451a) 248551. Clipping from newspaper regarding \$500,000 bond issue.
- (452) 248551. Telegram, September 9, 1908, from Senator Warren, regarding issue of bond for water system.
- (453) 248551. Letter, September 11, 1908, to Senator Warren, stating all necessary data concerning water system should be forwarded to this office.
- (454) 221409. Telegram, September 11, 1908, to constructing quartermaster, requesting return of papers on water supply.
- (455) 248551. Telegram, September 11, 1908, to Senator Warren, stating office will take up question pertaining to water supply.
- (456) 248551. Letter, September 11, 1908, from Senator Warren, regarding report of city engineer.
- (457) 246451. Letter, September 15, 1908, from Senator Warren, regarding matter of water system.
- (458) 248551. Telegram, September 15, 1908, to Senator Warren, regarding advertising for buildings for current year.
- (459) 248551. Letter, September 15, 1908, to Senator Warren, relative to enlargement of water system, etc.
- (460) 221409. Letter, September 23, 1908, to constructing quartermaster, extend-time on contract of W. W. Keefe for water and sewer system.
- (461) 221409. Telegram, September 28, 1908, to constructing quartermaster, requesting information concerning proposed water supply.
- (462) 221409. Memorandum, September 20, 1908, for Judge Advocate General, regarding water supply.
- (462a) 221409. Letter, September 11, 1908, (copy) from Senator Warren.
- (462b) 221409. Correspondence, March 27, 1908, and August 29, 1908, (copy) from Judge Advocate General.
- (462c) 221409. Letter, September 15, 1908 (copy), from Senator Warren.
- (462d) 221409. Letter, September 15, 1908 (copy), from Senator Warren.
- (462e) 221409. Letter, September 11, 1908 (copy) from Senator Warren.
- (462f) 221409. Letter, October 5, 1908 (copy), from Engineer Carlisle.
- (463) 221409. Letter, October 1, 1908, to Senator Warren, inclosing memorandum from Judge Advocate General relative to water system, etc.
- (464) 221409. Telegram, October 5, 1908, from Senator Warren, requesting sending of engineer.
- (465) 221409. Telegram, October 6, 1908, to Senator Warren, regarding sending of civil engineer.
- (466) 221409. Telegram, October 6, 1908, from constructing quartermaster, regarding Interior Department engineer to assist in making plans.
- (467) 221409. Telegram, October 7, 1908, to constructing quartermaster, stating Engineer Humphreys goes to assist in water problem.
- (468) 221409. Letter, October 7, 1908, to constructing quartermaster, directing him to go over work with city authorities.

(469) 221409. Agreement (copy) as drawn by Senator Warren and Quartermaster General.

(470) 221409. Report, October 20, 1908, by T. H. Humphreys, civil engineer, on proposed water supply.

(470a) 221409. Map, proposed route of water supply.

(470b) 221409. Map, proposed route of water supply.

(471) 221409. Report, November 11, 1908, by T. H. Humphreys, regarding water supply.

(472) 221409. Telegram, October 20, 1908, from constructing quartermaster, regarding investigation of city water project.

(473) 221409. Telegram, October 21, 1908, to constructing quartermaster, regarding publishing of recommendations of department engineer.

(474) 221409. Letter, October 21, 1908, to Senator Warren, inclosing draft of agreement covering water supply.

(475) 221409. Letter, October 30, 1908, from Senator Warren, with corrected copy of agreement for water system.

(475a) 221409. Agreement, draft of.

(476) 226461. Letter, November 4, 1908, to Senator Warren, relative to agreement concerning water supply.

(477) 221409. Telegram, November 4, 1908, from Senator Warren, regarding Cheyenne water bond.

(478) 221409. Letter, November 5, 1908, from Mayor Cook, forwarding certified copy of ordinance passed by city council regarding water supply.

(478a) 221409. Ordinance.

(478b) 221409. Ordinance.

(479) 221409. Telegram, November 13, 1908, to constructing quartermaster, referring to plans attached to agreement.

(480) 221409. Telegram, November 17, 1908, from constructing quartermaster, regarding supply plans.

(481) 221409. Telegram, November 21, 1908, to Senator Warren, concurring in agreement submitted by city of Cheyenne for water supply.

(482) 221409. Letter, November 17, 1908, from constructing quartermaster, forwarding additional copy agreement with plan attached for water supply.

(483) 221409. Agreement, November 30, 1908, with city of Cheyenne for water supply.

(484) 221409. Map, proposed location of Cheyenne water-pipe line.

(485) 221409. Map, proposed location of Cheyenne water-pipe line.

(486) 221409. Letter, December 14, 1908, to constructing quartermaster, advising of Secretary of War's approval of contract for water supply.

(487) 221409. Letter, December 18, 1908, to constructing quartermaster, regarding the forwarding of returns office copy of contract.

1909.

(488) 221409. Brief, May 20, 1909, constructing quartermaster forwards plans, specifications, etc., for extension of water and sewer system.

(489) 221409. Letter, June 19, 1909, to Hendrie & Bolthoff Manufacturing & Supply Co., regarding use of wrought-iron pipe.

(490) 221409. Letter, May 31, 1909, relative to use of National Tube Co.'s lap-welded steel, etc.

(491) 221409. Telegram, June 21, 1909, to constructing quartermaster, regarding location pipe line through reservation.

(492) 221409. Letter, June 21, 1909, to constructing quartermaster, to invite bids for extension of water and sewer system.

(493) 221409. Telegram, June 21, 1909, from constructing quartermaster, relative to increase size sewer-pipe line.

(494) 221409. Telegram, June 21, 1909, from constructing quartermaster, regarding route of water-pipe line through post.

(495) 221409. Telegram, June 22, 1909, to constructing quartermaster, regarding route of water-pipe line.

(496) 221409. Letter, July 2, 1909, from constructing quartermaster, inclosing advertisement, etc., for water and sewer extension.

(496a) 221409. Specifications.

(496b) 221409. Advertisement.

(496c) 221409. Advertisement.

(497) 221409. Letter, July 10, 1909, to constructing quartermaster, inclosing map showing water pipe line, etc.

- (498) 221409. Letter, July 7, 1909, from T. H. Humphreys, C. E., on water and sewer systems.
- (498a) 221409. Estimate, sewer extension.
- (498b) 221409. Letter, July 16, 1909 (copy), of constructing quartermaster, regarding right of way through street for sewer.
- (498c) 221409. Ordinance (copy) granting permission for construction, etc., of sewer through streets of Cheyenne.
- (499) 221409. Letter, July 9, 1909, from constructing quartermaster, inclosing abstract and proposals for extension of water and sewer system.
- (499a) 221409. Proposal.
- (499b) 221409. Proposal.
- (499c) 221409. Proposal.
- (499d) 221409. Letter, July 8, 1909 (copy), from Peter O'Brien, regarding his proposal for water and sewer extension.
- (499e) 221409. Abstract of proposals.
- (499f) 221409. Proposal.
- (500) 221409. Letter, July 10, 1909, to constructing quartermaster, inclosing blue print of post, showing location of water-pipe line.
- (501) 221409. Telegram, July 8, 1909, from constructing quartermaster, enumerating bids for extension from water and sewer system.
- (502) 221409. Telegram, July 15, 1909, to constructing quartermaster, making award for extension of water system, etc.
- (503) 221409. Telegram, July 19, 1909, from constructing quartermaster, regarding water-pipe line.
- (504) 221409. Telegram, July 20, 1909, regarding blue-print map showing water pipe line; to constructing quartermaster.
- (505) 221409. Telegram, July 21, 1909, from constructing quartermaster, relative to route of pipe line through reservation.
- (506) 221409. Telegram, July 22, 1909, to constructing quartermaster, requesting map showing location recommended for water-pipe line.
- (507) 221409. Brief, July 23, 1909, constructing quartermaster incloses blue-print map showing route of water main through reservation.
- (508) 221409. Telegram, July 29, 1909, to constructing quartermaster, approving route of water-pipe line.
- (509) 221409. Contract, July 15, 1909, with W. W. Keefe, for extension of water system, etc.
- (510) 221409. Letter, August 12, 1909, to constructing quartermaster, approving contracts with W. W. Keefe for water system, etc.
- (511) 221409. Letter, December 1, 1909, to constructing quartermaster, extending time on contract with W. W. Keefe for water system, etc.

1910.

- (512) 221409. Letter, January 26, 1910, to constructing quartermaster, relative to transmittal contract of November 30, 1908, for water supply.
- (513) 221409. Letter, March 3, 1910, from constructing quartermaster, submitting reports progress for installing new water system.
- (513a) 221409. Surveys, list of.
- (513b) 221409. Report, Crystal Lake Reservoir.
- (513c) 221409. Report, Round Top Reservoir.
- (513d) 221409. Report, 30-inch main.
- (514) 221409. Extract, report of inspection of water supply, etc., by chief quartermaster, dated January 29, 1910.
- (515) 221409. Letter, March 10, 1910, from Cook, relative water system.
- (516) 221409. Letter, March 24, 1910, to constructing quartermaster, relative testing of connections.
- (517) 221409. Brief, March 24, 1910, Senator Warren transmits letter from Hiram Sapp, with copies of charter and revised ordinance.
- (518) 221409. Letter, April 1, 1910, from constructing quartermaster, inclosing report of progress, etc., on new water system.
- (518a) 221409. Report, construction of mains.
- (518b) 221409. Report, construction of Crystal Lake Reservoir.
- (518c) 221409. Map, proposed layout of pipe on Round Top Reservoir.
- (518d) 221409. Photo, Crystal Lake Dam.
- (518e) 221409. Photo, reservoir.
- (518f) 221409. Photo, reservoir, north end.
- (518g) 221409. Photo, diversion dam.

- (518*a*) 221409. Photo, Crystal Lake Dam.
- (518*b*) 221409. Photo, diversion dam.
- (518*j*) 221409. Photo, pipe line from Reservoir Hill.
- (519) 221409. Letter, April 2, 1910, from constructing quartermaster, inclosing map showing connections made to post mains.
- (519*a*) 221409. Map, crosses and valves placed by city.
- (519*b*) 221409. Map, explanation of symbols used.
- (520) 221409. Brief; April 11, 1910, Senator Warren furnishes certificates by mayor and city clerk as to proceedings, etc.
- (521) 221409. Brief; March 15, 1910, Assistant Secretary of Treasury furnishes correspondence showing opinion of Comptroller of the Treasury relative to legality of contract.
- (522) 221409. Letter, March 15, 1910, of Assistant Secretary of Treasury, relative to legality of contract for water supply.
- (523) 221409. Letter, June 9, 1910, from constructing quartermaster, inclosing report of progress of waterworks extension.
- (523*a*) 221409. Report, progress for month of May.
- (524) 221409. Brief; May 19, 1910, constructing quartermaster forwards report of progress up to April 30, 1910, for installing new water system.
- (525) 221409. Letter, June 13, 1910, from supervising engineer, submitting report upon water supply.
- (526) 221409. Letter, June 30, 1910, to Senator Warren, inclosing copy of last report of progress, etc.
- (527) 221409. Letter, July 6, 1910, from Senator Warren, relative to pushing work on water system.
- (527*a*) 221409. Telegram, from Mayor Cook relative to work on water system.
- (528) 221409. Letter, July 11, 1910, from constructing quartermaster, inclosing report of progress for month of June.
- (528*a*) 221409. Report, progress for June.
- (529) 273898. Letter, September 12, 1910, from constructing quartermaster, inclosing report of progress of waterworks extension.
- (529*a*) 273898. Report, progress for August.
- (530) 273011. Letter, September 10, 1910, from C. E. McGarvey, relative to his claim against city of Cheyenne for excavating Round Top Reservoir.
- (530*a*) 273011. Report, October 29, 1910, by constructing quartermaster, on extension of water system.
- (530*b*) 273011. Map, reservoir site and pipe line.
- (530*c*) 273011. Photograph, Crystal Lake Dam.
- (530*d*) 273011. Photograph, Crystal Lake Reservoir.
- (530*e*) 273011. Photograph, part of Crystal Lake Reservoir.
- (530*f*) 273011. Photograph, Round Top Reservoir.
- (531) 273898. Letter, October 17, 1910, from constructing quartermaster, forwarding report of progress on water system.
- (531*a*) 273898. Report, progress.
- (532) 280540. Letter, October 22, 1910, from constructing quartermaster, relative to extension water mains, etc.
- (532*a*) 280540. Specifications.
- (532*b*) 280540. Instructions to bidders.
- (532*c*) 280540. Map, showing extension.
- (532*d*) 280540. Letter to bidders.
- (532*e*) 280540. Brief, October 3, 1910 (No. 256952), constructing quartermaster, forwards map showing extensions to water system, etc.
- (533) 280540. Telegram, October 28, 1910, to constructing quartermaster, authorizing \$1,650 for water system, extension, etc.
- (534) 288171. Contract, November 1, 1910, with W. W. Keefe, for extension of water system, etc.
- (535) 288171. Letter, December 15, 1910, to constructing quartermaster, approving contract of W. W. Keefe for extension of water system.
- (536) 273898. Letter, November 8, 1910, from constructing quartermaster, inclosing report of progress of water system.
- (536*a*) 273898. Report, progress for October, 1910.
- (537) 298237. Letter, November 11, 1910, from constructing quartermaster, forwarding maps showing buildings, waterworks extension, etc.
- (537*a*) 298237. Map, water system.
- (537*b*) 298237. Map, post.
- (537*c*) 298237. Map, reservation (topographic).
- (537*d*) 298237. Report, progress of work on buildings.

(537e) 298237. Report, October 29, 1910, of constructing quartermaster on extension of water system.

(538) 273011. Report, December 21, 1910, by constructing quartermaster on extension of waterworks system.

(538a) 273011. Letter, December 20, 1910, from Mayor Cook, relative to payments.

(538b) 273011. Letter, copy from constructing quartermaster, requesting results of test on pipe line.

(538c) 273011. Letter, December 20, 1910, from Mayor Cook, inclosing reports on water system.

(538d) 273011. Letter, November 3, 1910 (copy), from city engineer, relative to inspection water pipe, and test.

(538e) 273011. Letter, November 18, 1910, from health officer relative to health of city, etc.

(538f) 273011. Letter, December 19, 1910, from city attorney, regarding notice of lien filed against it.

(538g) 273011. Letter, October 19, 1910 (copy), of constructing quartermaster, requesting information as to condition of waterworks system, etc.

1911.

(539) 292491. Letter, January 9, 1911, from Senator Warren, inclosing letter from member of city council desiring reports by Government engineers on manner in which city engineer has carried on work.

(539a) 292491. Letter, January 4, 1911, of member of city council.

(540) 273898. Letter, January 9, 1911, from constructing quartermaster, inclosing photo of Crystal Lake Reservoir.

(540a) 273898. Photo, reservoir.

(541) 273898. Letter, January 10, 1911, from constructing quartermaster, inclosing report on waterworks extension.

(541a) 273898. Report, progress for December, 1910.

(542) 293504. Letter, January 17, 1911, from constructing quartermaster, reporting on status of water system.

(542a) 293504. Map, connections to post system.

(542b) 293504. Letter, January 27, 1911 (copy), from mayor (273898) to Senator Warren, regarding payment on completion of Crystal Lake Reservoir, etc.

(543) 292491. Letter, January 15, 1911, to Senator Warren, regarding reports of Government engineers upon construction of water system.

(544) 293504. Telegram, January 16, 1911, to constructing quartermaster, requesting status of payments on water system.

(545) 273898. Telegram, January 17, 1911, from constructing quartermaster, relative to payments on water system.

(546) 273898. Telegram, January 18, 1911, from constructing quartermaster, relative to payment on completion of Crystal Lake Reservoir.

(547) 273898. Letter, January 18, 1911, to Senator Warren, quoting telegram of this office relative to payments on water system.

(548) 273898. Letter, January 19, 1911, to Senator Warren, relative to payment on completion of Crystal Lake Reservoir.

(549) 293504. Letter, February 23, 1911, to constructing quartermaster, authorizing him to make supplementary contract providing for payment of \$50,000, less cost of making additional connections to post system.

(550) 293594. Brief, March 1, 1911, Mayor Bresnahan requests payment on north and south Crow Creek pipe lines, etc.

(551) 221409. Letter, March 6, 1911, from constructing quartermaster, inclosing supplementary agreement concerning fourth payment on contract for water system.

(552) 293504. Telegram, March 9, 1911, from constructing quartermaster, relative to supplementary agreements for water-extension system.

(553) 293504. Telegram, March 9, 1911, to constructing quartermaster, relative to fourth payment on contract for water system.

(554) 298237. Letter, March 10, 1911, from constructing quartermaster, forwarding report of progress for month of February, 1911.

(554a) 298237. Report, progress.

(555) 221409. Letter, March 18, 1911, to constructing quartermaster, approving supplementary agreement for installing additional 10-inch connection.

(556) 221409. Telegram, March 18, 1911, to constructing quartermaster, relative to approving supplementary agreement.

(557) 221409. Letter, March 29, 1911, to The Adjutant General, inclosing contract for water supply.

(558) 293504. Letter, April 8, 1911, from constructing quartermaster, with statement of payments made on water system.

(559) 221409. Letter, May 15, 1911, to Comptroller of Treasury, inclosing copies of records furnished by this office relative to contract for water with city of Cheyenne.

(560) 221409. Letter, May 16, 1911, to The Adjutant General, transmitting papers in connection with water system for file in Judge Advocate General's office.

(561) 221409. Clippings, newspaper (copies), in reference to water system.

(562) 221409. Letter, April 11, 1911 (copy), from Senator Warren, forwarding certificates of mayor and city clerk of council proceedings.

(563) 221409. Letter, April 5, 1911 (copy), of Auditor Kram, relative to inclosures concerning water system.

(564) 221409. Letter, April 7, 1911 (copy), of city attorney, relative to water rights, etc.

(565) 221409. Statement (copy) city clerk, relative to ordinances, etc.

(566) 221409. Proceedings (copies), of city hall, etc., of city of Cheyenne.

(567) 221409. Extracts (copy) from Revised Statutes of 1899.

(568) 221409. Letter, March 24, 1911 (copy), from Hiram Sapp, relative to certified transcript of city council proceedings.

(569) 221409. Ordinance, November 4, 1908 (copy), of city, approved by mayor.

(570) 327314. Telegram, August 14, 1911, to constructing quartermaster, asking whether connection between 30-inch main and post has been completed.

(571) 327314. Telegram, August 15, 1911, from constructing quartermaster, stating connection to post main was completed May 31, and satisfactory.

(572) 327314. Letter, August 16, 1911, to The Adjutant General, relative to certain papers concerning water rights.

(573) Army Regulations, 1908.

(574-601) 30088. Reports, bundle of, relative to water system.

(602-649) 127226. Reports, bundle of, relative to water system.

(650-653) 265509. Reports, bundle of, relative to water system.

(654) Report, May 1, 1875, Hygiene of the United States Army, with Descriptions of Military Posts.

The CHAIRMAN. This paper, as I understand, is a reference to the papers which you have with you bearing upon the water supply?

Gen. ALESHIRE. Yes, sir; from the time of the establishment of the post.

The CHAIRMAN. Have you copies of those papers that you could supply the committee?

Gen. ALESHIRE. We could have them made. I thought the committee would indicate certain papers of which they would like to have copies.

Mr. DIFENDERFER. I am prepared to make a request upon that point.

The CHAIRMAN. What is your request?

Mr. DIFENDERFER. I wanted to ask the General whether he has any records of complaints made against the post's water supply by either Cols. Anderson, Chambers, Poland, Sanno, or any other post commanders at Fort D. A. Russell?

Gen. ALESHIRE. Yes, sir; they are all there.

Mr. DIFENDERFER. They are all in that report?

Gen. ALESHIRE. They are in that report, in those papers.

Mr. DIFENDERFER. That is a matter I would like to know about, because in an interview with Senator Warren I find that he complains about their reports as being against the interest of Fort D. A. Russell. He contends, I believe, in this report that it is poison that has been inserted against the post.

Gen. ALESHIRE. I think Capt. Hartmann could point out the papers that refer to those complaints of these commanding officers.

The CHAIRMAN. I am inclined to the opinion that it would be well to have this paper made a part of the record perhaps for future

reference, also copies of the complaints made against the post by Cols. Anderson, Chambers, Poland, Sanno, and others.

Mr. DIFENDERFER. I think so. I would also like to have the opinion of Gen. Bell on that subject.

The CHAIRMAN. When was the first contract made by the United States with the city of Cheyenne with reference to the water supply for Fort D. A. Russell?

Gen. ALESHIRE. I believe it is stated in the brief of the report. May I refer to that?

The CHAIRMAN. Yes, sir.

Gen. ALESHIRE. The first reference that I find to it here is:

On the 2d day of December, 1884, an agreement was entered into with the city of Cheyenne by the commanding officer of Fort D. A. Russell for furnishing certain waters to Fort D. A. Russell in consideration of allowing their pipe line to pass across the reservation.

Mr. BULKLEY. General, have you any records which would show what water rights the post had in Crow Creek prior to the execution of the contract of December 2, 1884?

Gen. ALESHIRE. I do not recall them, Mr. Bulkley. If I have they are among these papers; but, having gone over all the papers very carefully, I do not recall that that appears anywhere. I may find it in searching the records in the office pertaining to reservations.

Mr. BULKLEY. I would like to know if you can find any records showing whether the Government had any water rights, and what they were, prior to the signing of that contract.

The CHAIRMAN. You mean through adjudication?

Mr. BULKLEY. Not necessarily; it might be through appropriation and beneficial use.

Gen. ALESHIRE. I know these papers show what the water supply was, what the water supply was prior to that; but I understand the question to refer to the actual water rights that the post had.

Mr. BULKLEY. Yes, sir; as to whether a certain amount of water had been appropriated to beneficial use; and if so, what, and what was its priority.

Gen. ALESHIRE. I do not recall that that point is brought out in these papers.

The CHAIRMAN. Which was later, the establishment of the fort or the city of Cheyenne?

Gen. ALESHIRE. I do not know, sir; the post was established in 1867, the 31st of July.

The CHAIRMAN. You are not able to tell the committee which had the prior right to the water in Crow Creek or any of its branches or tributaries?

Gen. ALESHIRE. No, sir.

The CHAIRMAN. At the time of the execution of the contract of December 2, 1884, what rights, if any, had been adjudicated as between the fort and the city of Cheyenne as to the use of the water in the creek or its tributaries?

Gen. ALESHIRE. I do not know; I can not tell what rights had been adjudicated. I can tell from these records what the water supply to the post was and what supply was used; but I can not state what the rights were, what adjudicated rights the post had.

Mr. DIFENDERFER. Had the artesian system been instituted at that time?

Gen. ALESHIRE. I can tell from this paper when the artesian system was instituted. This report states that "in 1872, 1873, and 1874, attempts were made to obtain an artesian water supply."

Mr. DIFENDERFER. It does not say it was successful?

Gen. ALESHIRE. "\$14,360 was expended in this attempt, but no artesian water was found. The well was sunk to about 1,420 feet, so that the method of hauling water in wagons was continued until 1885."

Mr. DIFENDERFER. Until 1885?

Gen. ALESHIRE. Yes, sir.

The CHAIRMAN. If I understand you, General, you are unable to say what were the relative rights between the post and the city of Cheyenne prior to December 2, 1884?

Gen. ALESHIRE. I am unable to state now. It is possible that I can find that information, but I am unable to state it now. That is a matter that I may find in the Judge Advocate General's office.

(NOTE.—Inquiry was made, but nothing pertaining to the relative water rights between the post and the city of Cheyenne prior to 1884 could be found in the office of the Judge Advocate General.)

Mr. BULKLEY. General, this contract with respect to water rights, dated December 2, 1884, with the city of Cheyenne was signed by you?

Gen. ALESHIRE. 1884?

Mr. BULKLEY. Yes, sir.

Gen. ALESHIRE. In 1884?

Mr. BULKLEY. I beg your pardon. The 30th of November, 1908; I had the wrong date.

Gen. ALESHIRE. Yes, sir.

Mr. BULKLEY. Did you act on any legal advice which is on file in your office in signing that contract?

Gen. ALESHIRE. The entire question was submitted to the Judge Advocate General of the Army, Gen. Davis, at that time, and he approved the agreement.

Mr. BULKLEY. Gen. Davis drafted this agreement?

Gen. ALESHIRE. Yes, sir.

The CHAIRMAN. Of what date, Mr. Bulkley?

Mr. BULKLEY. November 30, 1908. How was this sum of \$400,000 which the Government was to pay arrived at?

Gen. ALESHIRE. The city of Cheyenne had a general project which had been worked out by the local authorities. I went over all their plans on paper and went to two or three of the reservoir sites, followed in a general way the course of the pipe line, and then, at a later date, pending the consideration of the acceptance of the proposition of the site, sent the civil engineer, Mr. Humphries, to go over it also and make a report, and it was estimated, considering the total expenditures, that \$400,000 for an unlimited water supply, with no expense to the Government except the maintenance of its own distributing system, was a good proposition and in the interests of the Government. That water supply at Fort Russell now is ample, and costs the Government not a cent, except for the upkeep of its own distributing system, and if we add the interest on the capital invested, makes the cost of the water per thousand gallons a little over 3 cents, which is the cheapest water supply in the United States, except at one other post, which has a gravity system—that is Fort Mackenzie, Wyo.

Mr. BULKLEY. Can you give us, by reference to any papers you have with you, the maximum and minimum flow of the stream as reported at that time?

Gen. ALESHIRE. At the time——

Mr. BULKLEY. At the time of the execution of this contract.

Gen. ALESHIRE. Capt. Hartmann understands these figures and can explain them to the committee.

The CHAIRMAN. Certainly.

Capt. HARTMANN. The rainfall at Fort D. A. Russell in inches and hundredths, taken from the records at Cheyenne, which was the nearest point, show during the year 1904 a total of 15.72 inches; for 1905, 22.68; for 1906, 17.65; for 1907, 12.34; for 1908, 19.09; and for 1909, 17.62.

Mr. DIFENDERFER. Do you keep a record of the artesian well flow at Fort D. A. Russell?

Gen. ALESHIRE. I do not remember their making a detailed report.

Capt. HARTMANN. All the wells together give only 27 gallons a minute. The minimum annual rainfall during the period from 1904 to 1909, inclusive, as taken from the annual reports of the United States Weather Bureau, is 12.34 inches.

Mr. BULKLEY. The minimum annual rainfall?

Capt. HARTMANN. That is the minimum annual rainfall during the period from 1904 to 1909, inclusive, taken from the annual reports of the United States Weather Bureau. It is 12.34 inches.

The volume of water flowing on the drainage area, which was gone over by Mr. Humphries, is 69,336.544 acre-feet. That is, an acre of water 1 foot deep, which is equal to 3,020.3 million cubic feet. The mean annual rainfall for the period mentioned is 17.51 inches. At this rate the volume of water falling on this drainage area would be 98,406.632 acre-feet, equal to 4,286.59 million cubic feet, or 31,065.8 million gallons.

The CHAIRMAN. Is that per year?

Capt. HARTMANN. That is annually; yes, sir. These reservoirs, which the city has included in its system, would all be filled if 24 per cent of the minimum rainfall was caught and 17 per cent of the average rainfall, for the years given. The State engineer of Wyoming reported that the average run-off per square mile per year was 227 acre-feet.

Mr. DIFENDERFER. That is the spillway?

Capt. HARTMANN. No, sir; that is the amount of water that runs off, that can be impounded. The quantity was obtained by measurement. This is equal to 23,993.9 acre-feet, for the area given above, equal to 1,045.17 million cubic feet, or 7,828.4 million gallons, equal to 1.4, the capacity of the reservoir. In other words, the minimum rainfall would fill the reservoir and leave four-tenths over.

The CHAIRMAN. What is the date of that?

Capt. HARTMANN. This was compiled from the data obtained——

The CHAIRMAN. From the State engineer?

Capt. HARTMANN. Yes, sir; a memorandum gotten up at the time.

Mr. BULKLEY. I would like to have inserted in the record the rainfall for the years you have given, distributed by months.

Capt. HARTMANN. Yes, sir; I can do that, and then if you wish I can give the snowfall for D. A. Russell.

Mr. DIFENDERFER. That is part of rainfall?

Capt. HARTMANN. Yes, sir.

Rainfall at Fort D. A. Russell, Wyo., in inches and hundredths, as taken from annual reports of the United States Weather Bureau.

[Cheyenne nearest point of report.]

Year.	Month.												Total.
	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	
1904.....	0.35	0.33	0.45	1.80	6.66	1.78	2.00	0.87	0.83	0.57	0.02	0.06	15.72
1905.....	0.84	0.69	1.27	6.45	4.04	1.90	2.87	1.93	1.06	1.40	0.11	0.02	22.68
1906.....	0.21	0.21	2.27	3.10	1.30	2.42	1.89	0.49	1.86	2.33	1.42	0.15	17.65
1907.....	0.42	0.49	0.49	1.32	2.78	0.34	3.56	0.80	0.92	0.08	0.59	0.55	12.34
1908.....	0.36	0.20	0.16	0.36	6.19	2.52	4.33	2.45	0.09	1.14	0.59	0.70	19.09
1909.....	0.33	1.42	3.22	0.97	2.15	4.01	1.08	1.40	1.37	0.28	0.73	0.66	17.62
Average.....													17.51

The CHAIRMAN. As I understand, from the record as you have it, you have more water than there is any possible use for, for the fort and the city of Cheyenne?

Capt. HARTMANN. Yes, sir.

The CHAIRMAN. As an actual matter of fact, however, are those reports sustained by the actual conditions? Is there not a scarcity of water?

Capt. HARTMANN. When the reservoirs have had time to fill, I understand they had to run off some water, but as soon as the plant is completed I do not doubt but that there will be plenty of water.

The CHAIRMAN. That is on the hypothesis that the reservoirs now in course of construction, as I understand it, will furnish more than a sufficient supply of water?

Capt. HARTMANN. Yes, sir.

The CHAIRMAN. Up to this time what have been the conditions?

Capt. HARTMANN. The conditions now are that they are getting all the water they want.

The CHAIRMAN. They have since the establishment of the post as a brigade post?

Capt. HARTMANN. Oh, no; it is only recently that work was begun on the last reservoir. The last reservoir is not finished yet.

The CHAIRMAN. When was Fort D. A. Russell made a brigade post?

Capt. HARTMANN. That was in 1902, I think, when it was decided; I do not know just when.

The CHAIRMAN. Who recommended this?

Capt. HARTMANN. A board of officers.

The CHAIRMAN. Have you their report? If so, please insert it in the record.

Capt. HARTMANN. I can find it; I think I saw it.

Gen. ALESHIRE. It is about the cost of water. The average cost of water per thousand gallons, the water used at all the posts in the United States, is less than 9 cents. From a report received from some statistical association in New England, we find that, considering 254 cities, the maximum average price is something over 20 cents—22 cents, I think; the minimum is a little over 9 cents, so that the average cost of water per thousand gallons at our military posts is

less than the minimum average price, according to these reports in these cities. The cost of water at Fort D. A. Russell is the cheapest cost of water supply that we have in the Army, except one post, and is a little more than one-third of the average cost.

Mr. BULKLEY. Which are the cities you have reference to?

Gen. ALESHIRE. I have not the list. I got it out of the report issued by this association.

The CHAIRMAN. Will you insert the list of those cities?

Gen. ALESHIRE. Yes, sir.

Water rates of various cities of the United States, revised to November, 1910, taken from an article by Frank C. Jordan, secretary of the Indianapolis Water Co., published in the December, 1910, number of the Journal of the New England Water Works Association.

City.	Popula- tion, 1910.	Waterworks.	Meter rate per 1,000 gallons.	
			Maxi- mum.	Mini- mum.
Birmingham, Ala.	132,685	Private	\$0.30	\$0.05
Mobile, Ala.	51,521	Municipal	.15	.03½
Fort Smith, Ark.	23,505	Private	.25	.10
Little Rock, Ark.	45,941	do.	.30	.05
Los Angeles, Cal.	319,198	Municipal	.09½	.09
San Diego, Cal.	39,578	do.	.10	.06
San Francisco, Cal.	416,912	Private	.33	.16
San Jose, Cal.	28,946	do.		
Stockton, Cal.	19,354	do.	.25	.10
Colorado Springs, Colo.	29,078	Municipal	.15	.06
Denver, Colo.	213,381	Private	.17	.10
Pueblo, Colo.	44,395	Municipal	.25	
Bridgeport, Conn.	102,054	Private	.18	.04
Hartford, Conn.	98,915	Municipal	.16	.08
Meriden, Conn.	27,265	do.	.15	.10
New Britain, Conn.	43,916	do.	.10	.05
New Haven, Conn.	133,605	Private	.18	.10
New London, Conn.	19,882	Municipal	.16	.06
Norwich, Conn.	19,759	do.	.27	.06
Waterbury, Conn.	73,141	do.	.20	.10
Wilmington, Del.	87,411	do.	.10	.04½
Washington, D. C.	331,069	do.	.04	.04
Jacksonville, Fla.	57,699	do.	.10½	.05½
Pensacola, Fla.	22,256	Private	.50	.15
Tampa, Fla.	38,524	do.	.22½	.12
Atlanta, Ga.	154,839	Municipal	.10	.07
Augusta, Ga.	37,826	do.	.10	.04
Macon, Ga.	40,665	Private	.30	.06
Savannah, Ga.	65,064	Municipal	.12½	.08
Alton, Ill.		Private	.28	.06
Aurora, Ill.	29,807	Municipal	.48	.05
Bloomington, Ill.	25,768	do.	.25	.25
Chicago, Ill.	2,185,283	do.	.07	.07
Danville, Ill.	27,871	Private	.25	.10
Decatur, Ill.	31,140	Municipal	.10	.04
East St. Louis, Ill.	58,547	Private	.30	.10
Elgin, Ill.	25,976	Municipal	.25	.07
Evanston, Ill.	22,949	do.	.16	.08
Joliet, Ill.	34,670	do.	.12	.05
Peoria, Ill.	66,950	Private	.20	.06
Quincy, Ill.	36,587	do.	.45	.06
Rock Island, Ill.	23,009	Municipal	.20	.06
Rockford, Ill.	45,401	do.	.16	.08
Springfield, Ill.	51,678	do.	.25	.06
Anderson, Ind.	25,842	do.	.15	.05
Clinton, Ind.		do.	.30	.15
Crawfordsville, Ind.		Private	.30	.10
Elkhart, Ind.	17,501	do.	.12	.08
Elwood, Ind.	19,232	do.	.25	.07
Evansville, Ind.	69,647	Municipal	.20	.05
Fort Wayne, Ind.	63,933	do.	.10	.06½
Franklin, Ind.		Private	.40	.20
Greencastle, Ind.		do.	.30	.30
Greensburg, Ind.		do.	.35	.15
La Fayette, Ind.	19,238	Municipal	.20	.06
Linton, Ind.		Private	.35	.07
Marion, Ind.	24,080	Municipal	.15	.06

Water rates of various cities of the United States, revised to November, 1910, taken from an article by Frank C. Jordan, secretary of the Indianapolis Water Co., published in the December, 1910, number of the Journal of the New England Water Works Association—Continued.

City.	Popula- tion, 1910.	Waterworks.	Meter rate per 1,000 gallons.	
			Maxi- mum.	Mini- mum.
Michigan City, Ind.	17,292	Private.	\$0.06	\$0.05
Mount Vernon, Ind.		do.	.40	.09
New Albany, Ind.	20,628	do.	.13½	.04½
Newcastle, Ind.		Municipal.	.10	.08
Noblesville, Ind.		Private.	.60	.10
Richmond, Ind.	19,602	do.	.25	.06
Seymour, Ind.		do.	.40	.06
Shelbyville, Ind.		do.	.30	.10
South Bend, Ind.	53,684	Municipal.	.12	.08
Terre Haute, Ind.	58,157	Private.	.30	.08
Valparaiso, Ind.		do.	.30	.15
Vincennes, Ind.	11,393	do.	.25	.10
Wabash, Ind.	9,944	do.	.33	.06½
Winchester, Ind.		do.	.25	.07
Burlington, Iowa.	25,741	do.	.25	.05½
Cedar Rapids, Iowa.	32,811	Municipal.	.25	.08
Clinton, Iowa.	25,577	Private.	.30	.06
Council Bluffs, Iowa.	29,292	do.	.33	.08
Davenport, Iowa.	43,028	do.	.33	.11½
Des Moines, Iowa.	86,368	do.	.30	.10
Dubuque, Iowa.	38,494	Municipal.	.25	.11
Ottumwa, Iowa.	20,548	Private.	.30	.10
Sioux City, Iowa.	47,828	do.	.25	.10
Atchison, Kans.	18,871	Private.	.30	.10
Kansas City, Kans.	82,331	do.	.25	.05
Leavenworth, Kans.		do.	.50	.20
Topeka, Kans.	43,684	Municipal.	.50	.11½
Covington, Ky.	53,270	do.	.19	
Lexington, Ky.	35,099	Private.	.25	.10
Louisville, Ky.	223,928	Municipal.	.15	.06
Newport, Ky.	30,309	do.	.15	.10
Paducah, Ky.	22,464	Private.	.25	.06
New Orleans, La.	339,075	Municipal.	.10	.10
Bangor, Me.	23,500	do.	.07½	.07½
Lewiston, Me.	26,247	do.	.25	.20
Portland, Me.	58,571	do.	.25	.09½
Baltimore, Md.	558,485	do.	.08	.04
Boston, Mass.	670,585	do.	.18½	.10½
Brockton, Mass.	56,878	do.	.22½	.13½
Cambridge, Mass.	104,839	do.	.20	.10
Chelsea, Mass.	32,452	do.	.18½	.10½
Everett, Mass.	33,484	do.	.18½	.10½
Fall River, Mass.	119,295	do.	.28	.10
Fitchburg, Mass.	37,826	do.	.18	.04
Gloucester, Mass.	25,989	do.	.30	.15
Haverhill, Mass.	44,115	do.	.21	.10
Holyoke, Mass.	57,730	Municipal.	.05½	.05½
Lawrence, Mass.	85,892	do.	.20	.08
Lowell, Mass.	106,294	do.	.18½	.13½
Lynn, Mass.	89,336	do.	.20	.17½
Malden, Mass.	44,404	do.	.21½	.13½
New Bedford, Mass.	96,652	do.	.15	.10
Newton, Mass.	39,806	do.	.35	.04½
North Adams, Mass.	21,740	do.	.15	.10
Northampton, Mass.	20,220	do.	.10	.06
Pittsfield, Mass.	32,121	do.	.16	.12
Salem, Mass.	43,697	do.	.20	.06½
Somerville, Mass.	77,236	do.	.16	.16
Springfield, Mass.	88,926	do.	.30	.07
Taunton, Mass.	34,259	do.	.25	.09
Waltham, Mass.	27,834	do.	.29½	.17½
Worcester, Mass.	145,986	do.	.25	.10
Battle Creek, Mich.	25,267	do.	.13	.06
Bay City, Mich.	45,166	do.	.10	.05
Detroit, Mich.	465,766	do.	.05	.03
Grand Rapids, Mich.	112,571	do.	.06	.06½
Jackson, Mich.	31,433	do.	.13	.06½
Kalamazoo, Mich.	39,437	do.	.13	.13½
Lansing, Mich.	31,229	do.	.40	.05
Port Huron, Mich.	20,464	do.	.10	.06
Saginaw, Mich.	50,510	do.	.11	.04
Duluth, Minn.	78,466	do.	.23½	.06½
Minneapolis, Minn.	301,408	do.	.08	.08

Water rates of various cities of the United States, revised to November, 1910, taken from an article by Frank C. Jordan, secretary of the Indianapolis Water Co., published in the December, 1910, number of the Journal of the New England Water Works Association—Continued.

City.	Popula- tion, 1910.	Waterworks.	Meter rate per 1,000 gallons.	
			Maxi- mum.	Mini- mum.
St. Paul, Minn.	214,744	Municipal	\$0.13½	\$0.06½
Kansas City, Mo.	248,381	do.	.25	.07
St. Joseph, Mo.	118,004	Private	.30	.06
St. Louis, Mo.	687,029	Municipal	.25	.08
Springfield, Mo.	35,201	Private	.25	.10
Butte, Mont.	39,165	do.	.50	.20
Helena, Mont.	16,770	do.	.40	.20
Lincoln, Nebr.	43,973	Municipal	.15	.10
Omaha, Nebr.	124,096	Private	.35	.10
South Omaha, Nebr.	26,259	do.	.35	.05
Concord, N. H.	21,210	Municipal	.22½	.06½
Manchester, N. H.	70,063	do.	.16½	.10½
Nashua, N. H.	26,005	Private	.20	.05
Atlantic City, N. J.	44,461	Municipal	.12	.12
Bayonne, N. J.	55,545	do.		
Camden, N. J.	94,538	do.	.20	.10
Hoboken, N. J.	70,324	do.	.18	.11½
Jersey City, N. J.	267,779	do.	.20	.10
New Brunswick, N. J.	23,758	do.	.13½	.13½
Orange, N. J.	29,630	do.	.25	.25
Passaic, N. J.	54,773	Private	.30	.10
Paterson, N. J.	125,600	do.	.30	.10
Perth Amboy, N. J.	32,121	do.	.25	.07
Plainfield, N. J.	19,088	Private	.25	.15
Trenton, N. J.	96,815	Municipal	.08	.08
West Hoboken, N. J.	35,403	Private	.23½	.15½
Albany, N. Y.	100,253	Municipal	.08	.08
Amsterdam, N. Y.	31,267	do.	.22½	.04½
Auburn, N. Y.	34,668	do.	.33½	.04½
Binghamton, N. Y.	48,443	do.	.12	.06
Buffalo, N. Y.	423,715	do.	.06	.62
Elmira, N. Y.	37,176	Private	.50	.10
Gloversville, N. Y.		Municipal	.16	.03½
Jamestown, N. Y.	31,297	do.	.26½	.06½
Kingston, N. Y.	25,908	do.	.22	.06½
Mount Vernon, N. Y.	30,919	do.	.30	
New York City	4,766,883	Municipal	.14	.14
Niagara Falls, N. Y.	30,445	do.	.12	.03
Oswego, N. Y.		do.	.25	.10
Poughkeepsie, N. Y.	27,936	Municipal	.16½	.04
Rochester, N. Y.	218,149	do.	.14	.10
Schenectady, N. Y.	72,826	do.	.32½	.09
Syracuse, N. Y.	137,249	do.	.18½	.04½
Troy, N. Y.	76,813	do.	.05	.05
Utica, N. Y.	74,419	do.	.30	.06
Yonkers, N. Y.	79,803	Municipal	.20	.20
Charlotte, N. C.	34,014	do.	.25	.07
Wilmington, N. C.	25,748	Private	.26	.08
Akron, Ohio	69,067	do.	.16	.08
Canton, Ohio	50,217	Municipal	.07	.06
Cincinnati, Ohio	364,463	do.	.10	.10
Cleveland, Ohio	580,663	do.	.05½	.05½
Columbus, Ohio	181,548	do.	.16	.12
Dayton, Ohio	116,577	do.	.08	.06
Hamilton, Ohio	35,279	do.	.16	.06
Lima, Ohio	30,508	do.	.20	.08
Loraine, Ohio	28,883	do.	.20	.07
Mansfield, Ohio	20,142	do.	.20	.06
Newark, Ohio	25,404	do.	.20	.06
Portsmouth, Ohio	20,714	do.	.25	.09
Springfield, Ohio	46,921	do.	.10	.06
Toledo, Ohio	168,497	do.	.10	.03½
Youngstown, Ohio	79,066	do.	.20	.08
Zanesville, Ohio	28,026	do.	.06	.06
Oklahoma, Okla.	64,205	do.	.30	.20
Portland, Oreg.	109,882	do.	.16½	.16½
Easton, Pa.	28,523	Private	.40	.08
Altoona, Pa.	52,127	Municipal	.33	.04
Allentown, Pa.	51,913	do.	.12	.06
Chester, Pa.	38,537	do.	.30	.04
Erie, Pa.	66,525	do.	.20	.04
Harrisburg, Pa.	64,186	do.	.16½	.02½
Johnstown, Pa.	55,482	Private	.27	.05

Water rates of various cities of the United States, revised to November, 1910, taken from an article by Frank C. Jordan, secretary of the Indianapolis Water Co., published in the December, 1910, number of the Journal of the New England Water Works Association—Continued.

City.	Population, 1910.	Waterworks.	Meter rate per 1,000 gallons.	
			Maximum.	Minimum.
Lancaster, Pa.	47,227	Municipal	\$0.12½	.....
Lebanon, Pa.	19,404	do.	.50	\$0.04½
McKeesport, Pa.	42,694	Private	.26½	.09½
Newcastle, Pa.	36,280	do.	.16	.08
Norristown, Pa.	27,875	do.	.26½	.06½
Philadelphia, Pa.	1,549,008	Municipal	.04	.04
Pittsburgh, Pa.	533,905	do.	.18	.10
Reading, Pa.	96,071	do.	.40	.03
Seranton, Pa.	129,867	Private	.25	.06
Shamokin, Pa.	20,482	do.	.26½	.05½
Wilkes-Barre, Pa.	67,105	do.	.....	.....
Williamsport, Pa.	31,860	do.	.10	.05
York, Pa.	44,750	do.	.30	.06½
Newport, R. I.	27,149	do.	.40	.25
Pawtucket, R. I.	51,662	Municipal	.30	.06
Providence, R. I.	224,326	do.	.20	.20
Woonsocket, R. I.	38,125	do.	.30	.10
Columbia, S. C.	26,319	do.	.15	.06½
Charleston, S. C.	58,833	Private	.25	.04½
Chattanooga, Tenn.	44,604	do.	.25	.08
Knoxville, Tenn.	36,346	do.	.18	.05
Memphis, Tenn.	131,105	Municipal	.24	.10
Nashville, Tenn.	110,364	do.	.20	.08
Austin, Tex.	29,860	do.	.33	.07
Dallas, Tex.	92,104	do.	.25	.12½
El Paso, Tex.	39,279	Private	.20	.12½
Fort Worth, Tex.	73,312	Municipal	.30	.30
Galveston, Tex.	36,981	do.	.....	.....
Houston, Tex.	78,800	do.	.50	.20
Waco, Tex.	26,425	do.	.40	.15
Ogden City, Utah.	17,165	Private	.20	.06
Salt Lake City, Utah.	92,777	Municipal	.10	.03½
Lynchburg, Va.	29,494	do.	.20	.03
Newport News, Va.	28,749	Private	.30	.10½
Norfolk, Va.	67,452	Municipal	.09	.09
Petersburg, Va.	21,810	do.	.20	.07
Richmond, Va.	127,628	do.	.15	.05
Roanoke, Va.	34,874	Private	.25	.10
Seattle, Wash.	.....	Municipal	.26	.05½
Spokane, Wash.	47,006	do.	.15	.15
Tacoma, Wash.	82,972	do.	.40	.11
Charlestown, W. Va.	.....	do.	.25	.07½
Wheeling, W. Va.	41,641	Municipal	.15	.15
Eau Claire, Wis.	18,981	Private	.30	.08
Green Bay, Wis.	25,236	do.	.40	.20
La Crosse, Wis.	30,417	Municipal	.20	.04
Madison, Wis.	25,531	do.	.18	.05
Milwaukee, Wis.	373,857	do.	.....	.06
Oshkosh, Wis.	33,062	Private	.40	.05
Racine, Wis.	38,002	do.	.30	.06
Superior, Wis.	37,643	do.	.40	.08

A number of the cities have made slight changes in their meter rates and a revision of the tabulation shows that the average maximum rate per 1,000 gallons for water by meter measurement is 22.8 cents and the minimum rate is 9 cents. The Manufacturers' Association of St. Louis recently tabulated some information from 23 cities and found that the average minimum rate was 7 cents per 1,000 gallons. Their tabulation, however, took into account only the larger cities, such as Detroit, Cleveland, Buffalo, New York, etc.

Mr. BULKLEY. Pipe lines go into these reservoirs now, General?

Gen. ALESHIRE. Yes, sir; they are getting water, getting all the water they need at Fort D. A. Russell; they are using over a million gallons a day, over 300 gallons per capita.

Mr. BULKLEY. Per annum?

Gen. ALESHIRE. Every day; they are using over a million gallons of water a day at Fort D. A. Russell now. Since we have been able to get water from the new system, we have had no reports of scarcity of water at the post.

The CHAIRMAN. At the time that the order was made, making Fort D. A. Russell a brigade post—that is, since 1902, as I understand the date to be, when it was ordered—up until what time have you been troubled with the water supply?

Gen. ALESHIRE. We can get that from the water reports. We get a monthly report.

The CHAIRMAN. I am talking about the actual experiences at the post.

Gen. ALESHIRE. That is what I am talking about, too, sir. We have a report from the post every month, and in that they tell us whether they have had sufficient water or not, and they give us the quantity they use.

The CHAIRMAN. General, this a copy of the contract made in December, 1884, is it not [handing paper to witness]?

Gen. ALESHIRE (after examining paper). I am perfectly willing to accept it as such. Before I would testify under oath that it is, I would want to compare it. If you know that it is, I am perfectly willing to accept that fact.

The CHAIRMAN. I have not made the comparison myself.

Gen. ALESHIRE. I can insert in the record a copy of that, with the office stamp on it.

Capt. HARTMAN. I have the original here.

The CHAIRMAN. Of December 2, 1884?

Capt. HARTMAN. No, sir; of November 30, 1908.

Mr. BULKLEY. I wanted to know if you know how much water the city of Cheyenne is now using?

Gen. ALESHIRE. No, sir; I do not.

Mr. BULKLEY. Have you that in your records anywhere?

Gen. ALESHIRE. I doubt that. The terms of the contract provide that we shall get all the water we want, and we are first on the line.

Mr. BULKLEY. The contract provides that in case of trouble the post submits to the same temporary reduction as the city of Cheyenne prescribes for the city and its inhabitants.

Gen. ALESHIRE. I think that is a fair proposition.

The CHAIRMAN. Can you tell the committee how much the city of Cheyenne has expended in the construction of this water system?

Gen. ALESHIRE. No, sir.

The CHAIRMAN. I will read this agreement. [Reading:]

COUNTY OF LARAMIE, *Territory of Wyoming*, ss:

This agreement, made this 2d day of December, A. D. 1884, between the city of Cheyenne, in the Territory of Wyoming, of the first part, and John S. Mason, colonel Ninth United States Infantry, commandant of Fort D. A. Russell and the military reservation thereof, duly declared by the President of the United States, on behalf of the United States, of the second part, witnesseth, that in consideration of the right of way heretofore granted and permission given by the party of the second part to the party of the first part to run certain ditches and water pipes for the conveyance of water from a point or points on Crow Creek, a tributary of the South Platte River, above the said post of Fort D. A. Russell to the city of Cheyenne, situated below the said post of Fort D. A. Russell, which said ditches and water pipes run across and through the military reservation of the aforesaid post of Fort D. A. Russell; and in consideration of the permission given and authority granted by the party of the second part to the party of the first part to draw water from Crow Creek by means of dams, ditches, pipes, and all necessary means and appliances, at a point on the said stream where the party of the second part heretofore obtained water, by diverting it from the said stream by means of dams and ditches and necessary means and appliances therefor, for the use and benefit of all of the duly authorized occupants of the military reservation of Fort D. A. Russell, and in consideration of the right of use and occu-

pancy granted by the party of the second part to the party of the first part of certain lands the property of the United States and lying within the limits of the aforesaid reservation of Fort D. A. Russell, used and to be used by the party of the first part for the storage and retention of water in lakes, ponds, or reservoirs for the use and benefit of the party of the first part, the party of the first part does covenant and agree to supply the party of the second part, meaning thereby all the duly authorized occupants of the reservation of Fort D. A. Russell, including the post proper, the quartermaster's, ordnance, and subsistence depots, with as good and wholesome water as is furnished to the inhabitants of the city of Cheyenne, or as can be ordinarily obtained from said creek through the means of said pipes, on these conditions, to wit:

That all water that may be conveyed from the lakes, ponds, reservoirs, tanks, ditches, pipes, or other conduits to the premises of the party of the second part by natural flow or force of gravity shall be given freely and without charge in such quantity as may be necessary for the use and benefit of the duly authorized occupants of the military reservation of Fort D. A. Russell and daily and without interruption whenever the same can be obtained from said stream by means of said pipes, subject to the following conditions, to wit: That the party of the second part shall supply, lay, and keep in good order and repair the lateral lines of pipes or other conduits for the conveyance of water from the reservoirs, tanks, ditches, pipes, or other conduits of the party of the first part to the premises of the party of the second part at its own cost and expense; that the party of the first part covenants and agrees to insert and keep in good condition and repair the necessary T pipes, valves, water gates, or whatever devices and appliances may be necessary to divert or turn the water agreed to be delivered by the party of the first part to the party of the second part.

And it is further agreed that if water should hereafter be supplied by the party of the first part to the party of the second part by artificial pressure or mechanical means, then in that case the party of the second part may be charged therefor at a rate not to exceed the actual cost incurred by the party of the first part in delivering water to the party of the second part by artificial pressure or mechanical means as aforesaid.

In witness whereof the said party of the first part has caused its corporate seal to be hereunto affixed by the hands of its clerk and its corporate name to be hereunto subscribed by the hand of its mayor the day and year first above written.

THE CITY OF CHEYENNE,
By JOSEPH M. CAREY, *Mayor*.

Attest:

JOHN K. JEFFREY, *City Clerk*.

In witness whereof the said party of the second part on behalf of the United State has hereunto affixed his hand and seal the year and day first above written.

[SEAL.]

THE UNITED STATES,
By JOHN S. MASON,
Colonel Ninth Infantry,
Commanding Fort D. A. Russell, Wyo.

Attest:

JAMES REGAN,
First Lieutenant and Regimental Quartermaster, Ninth Infantry.

Attest:

C. B. ROBERTSON,
First Lieutenant and Adjutant, Ninth Infantry.

Now, General, as I understood you a moment ago, you said that you could not now state that at the time of the execution of this contract there was any adjudication as to the water rights of the city of Cheyenne and Fort D. A. Russell?

Gen. ALESHIRE. I said I do not know.

The CHAIRMAN. Will you please ascertain whether, as a matter of fact, there was prior to the execution of the contract, and such adjudication?

Gen. ALESHIRE. This contract you have in your hand?

The CHAIRMAN. Yes, sir.

Gen. ALESHIRE. 1884?

The CHAIRMAN. 1884. I believe you have also stated that you were unable to say how much money had been expended by the city of Cheyenne in the construction of this water plant?

Gen. ALESHIRE. The arrangement referred to in the contract that the chairman has in his hands, I am unable to state. The present system is covered by this contract which is dated 1908, I think.

The CHAIRMAN. What I am trying to ascertain is whether at the date of the execution of the contract of December 2, 1884, in which it appears that at the time the contract was made, the Government owned the reservation through which the pipe lines were laid, granted this right of way to the city of Cheyenne; and it furthermore appears in the contract of that date that at the time of the execution of the contract the fort had a system of waterworks, dams, ditches, and the necessary means and appliances for conveying water from these dams to the fort, that it yielded or conceded the rights that it then owned to the city of Cheyenne, and I am somewhat at a loss to know how the Government profited by the execution of the contract of date December 2, 1884.

This contract that I have in my hand, of the date mentioned, among other things recites that "in consideration of the right of way heretofore granted and permission given by the party of the second part to the party of the first part," meaning by second party the Government of the United States, "to run certain ditches and water pipes for the conveyance of water from a point or points on Crow Creek, a tributary of the South Platte River, above the said post of Fort D. A. Russell to the city of Cheyenne, situated below the said post of Fort D. A. Russell, which said ditches and water pipes run across and through the military reservation of the aforesaid post of Fort D. A. Russell; and in consideration of the permission given and authority granted by the party of the second part," meaning thereby the Government of the United States, "to the party of the first part to draw water from Crow Creek by means of dams, ditches, pipes, and all necessary means and appliances, at a point on the said stream where the party of the second part heretofore obtained water in diverting it from the said stream by means of dams and ditches and necessary means and appliances therefor." The necessary implication from this contract is that it gave authority to the party of the first part to draw water from Crow Creek by means of dams. It must have owned the right to the water, else it could not have conveyed any rights and the contract would be meaningless, and if it (the Government) had the ditches, dams, and the necessary means—that is to say, that the Government at the time of the execution of the contract of December 2, 1884, owned and had in operation dams and ditches and the necessary means and appliances for conveying the water which it must have owned or else it could not have conveyed them to the city of Cheyenne. What did the United States Government get out of the contract?

Mr. DIFENDERFER. Right at that point I want to refer to this report of Harris Pendleton, first lieutenant, Eighteenth Infantry, quartermaster. This was made on June 27, 1902:

I have the honor to invite the attention of the commanding officer to the conditions governing the water supply of this post—

Meaning Fort D. A. Russell—

the water supply of this post and of the city of Cheyenne, in part, is obtained from the same source, namely, Crow Creek, a small stream which flows across the reservation from approximately west to east. About 3 miles above the post the city of Cheyenne has constructed galleries, dams, and ditches, etc.—

The CHAIRMAN. What date is that?

Mr. DIFENDERFER. June 27, 1902; since the contract.

By means of which the water is piped toward the city, the pipe line conducting this water across the Government reservation to provide a reserve supply, and an open ditch has been run from the dam in the same general direction as the pipe line referred to to a series of artificial lakes, near the city, in which water is stored for use in the event of the supply failing. These lakes, one of which is entirely and one in part is located on Government land, are connected by means of open ditches and tile pipe lines, thus enabling the city to draw on these waters. The surplus water which is not required to supply the pipe line and which is not stored in the lake before mentioned is allowed to follow the course of Crow Creek and is used by the ranchers along its banks for domestic and irrigating purposes. At the post an underground dam has been constructed on a line across the course of the creek, and then it goes to a large settling basin, from which the water is pumped into the post for domestic purposes.

What additional facilities have been added for a water supply for Fort D. A. Russell since 1902?

Gen. ALESHIRE. This new system that the city of Cheyenne has installed has been constructed since 1902.

Mr. DIFENDERFER. Is that now in use?

Gen. ALESHIRE. Yes, sir.

Mr. DIFENDERFER. Since when?

Gen. ALESHIRE. I think within the past two years we have been getting water from that source. Just now we are getting all water from that source.

Mr. DIFENDERFER (reading):

During the present year water has been obtained from these ditches for a period of three weeks only, and as a result the post gardens, trees, lawns, etc., have suffered from lack of water. With a view to remedying this condition of affairs, Mr. W. D. Pease, the State water engineer, State of Wyoming, district 1, division 1, was called upon by this office for information concerning the water supply and the Government's right to use the same. His reply, a true copy of which is attached hereto, and marked "A," was forwarded under date of June 24, 1902. I am informed that in 1884 the post acquired the right to construct a ditch, which at that time was used to convey water from Crow Creek to the post garden. I can find no information that this right has ever been surrendered, and it is evidently in existence to-day. An inspection of the two lakes on the reservation used as a reservoir—

Owned by the Government—

was made on June 24, 1902, and reports forwarded. A true copy is attached hereto and marked "B."

From the larger of these lakes, Lake Abascara, the post supply of ice is secured. It was noted at an inspection on June 4, and again on June 26, that the water had fallen 4 inches between these dates.

That seems to me to be extremely remarkable.

It is evidently due to water being turned off by the city. A continuance of this practice will seriously endanger the ice supply of the post for the coming year.

They are evidently drawing the water from lakes owned by the Government, one entirely and the other partially.

The amount of water required for domestic purposes every 24 hours in the post is approximately 90,000 gallons, which must be drawn from the basin at the creek's bottom. Owing to there being no water in the ditch on June 24, this source of supply was used for irrigating purposes for two hours in the morning and afternoon.

Remember, this is since that contract was made with the Government.

In both instances, the water in the basin became exhausted and it was necessary to stop irrigation. It is respectfully submitted that the Government is permitting a valuable right to rest in abeyance and that a great inconvenience and damage is

resulting from lack of water for irrigation purposes. In view of the fact that the city of Cheyenne is using the Government's land for its pipe line, and that two of its reservoirs are located on the reservation, without expense to the city, it is believed that an ample supply should be furnished without expense to the United States.

The CHAIRMAN. Pardon me, but would it not be well enough to put this in the record?

Mr. DIFENDERFER. I am nearly through with it.

At the present time the city of Cheyenne is furnishing water for watering streets, lawns, etc., and it is not apparent why water can not be supplied for use in this post's gardens and for newly planted trees. I am informed by the engineer that the difficulty in securing water has been increased from year to year for the past five years and as long ago as 1888, and again in 1894, and this is presumably due to the increased number of ranches along the banks of the stream. The State water engineer states that the water rights of these ranchers were considered by him prior to those of the Government.

I want that emphasized.

It is respectfully submitted that these rights of the city of Cheyenne to the use of Government land be investigated, with a view to protecting the interests of the Government in this matter. Attention is also invited to the fact that new quarters are being constructed at this post and the advisability of continuing. This is a most important question.

I thought it might be well to have that report in the record.

Mr. BULKLEY. General, has the city of Cheyenne acquired all the water right in Crow Creek and its tributaries?

Gen. ALESHIRE. I do not know. But they have acquired considerable of the water rights. I do not know about all of them.

Mr. BULKLEY. Please let us know what the status of water rights in Crow Creek is now, and what it was at the time of this contract of 1908.

Gen. ALESHIRE. Yes, sir.

Mr. BULKLEY. I have already asked about 1904. Now, I will ask in reference to the time of this contract and also the present time.

Gen. ALESHIRE. Yes, sir.

(NOTE.—Everything relative to the water rights on Crow Creek that can be found in the records of the office of the Quartermaster General is contained in the copies of letters, reports, etc., hereto appended as indicated in the margin thereof.)

Mr. BULKLEY. I would like to ask if the Judge Advocate General submitted any opinion when this contract of 1908 was up, and I would like to have that answered in the record.

Gen. ALESHIRE. As to what?

Mr. BULKLEY. What was said and done at the time of the signing of this contract of 1908.

Gen. ALESHIRE. I am not positive that I will find a record of it, but I know from personal knowledge that the Judge Advocate and myself and the Chief of Staff considered the question, and the Judge Advocate General gave a legal opinion that it was perfectly proper for the Government to enter into this contract. The Secretary of War, Mr. Luke Wright, I think, directed that he draft the agreement and that agreement was revised by Gen. Bell, chief of staff, and I simply executed it as the representative of the Government.

Mr. BULKLEY. This particular agreement was prepared by Gen. Davis?

Gen. ALESHIRE. Yes, sir; and afterwards revised by Gen. Bell, and then rewritten. As drawn and executed, it met the approval of the Judge Advocate General and Secretary of War.

Mr. BULKLEY. Do you remember who represented the city of Cheyenne legally?

Gen. ALESHIRE. The mayor of Cheyenne, and, it seems to me, there was a board of citizens, the city council, possibly.

Mr. BULKLEY. Do you know who was the legal counsel?

Gen. ALESHIRE. No, sir.

The CHAIRMAN. I have a memorandum that shows that in 1888 the water rights of Crow Creek was adjudicated by the courts, and accordingly the city of Cheyenne secured the first right to 12.48 cubic feet per second. That was 1888.

Captain, I believe I asked you on whose recommendation Fort D. A. Russel was converted to a brigade post?

Capt. HARTMAN. I can not find that order here.

The CHAIRMAN. I would be pleased to have you insert in the record any recommendation made by any officer recommending the conversion of Fort D. A. Russell into a brigade post.

EXTRACT FROM "EXAMINATIONS AND SURVEYS OF SITES FOR MILITARY POSTS," DOCUMENT NO. 618, HOUSE OF REPRESENTATIVES, FIFTY-SEVENTH CONGRESS, FIRST SESSION.

Proceedings of a board of officers convened by virtue of the following orders:

SPECIAL ORDERS, }
No. 261.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, November 11, 1901.

[Extract.]

* * * * *

26. By direction of the Secretary of War, a board of officers is hereby appointed to meet in Washington, D. C., on the 25th day of November, 1901, to consider and report upon the location and distribution of the military posts required for the proper accommodation, instruction, and training of the Army as organized under the act of February 2, 1901, not including coast fortifications. The board will make recommendations in detail as to which of the existing posts should be retained or abandoned, and of those retained which, if any, should be enlarged and to what extent, and the location, size, and character of such new posts as may be necessary, having due regard in all its recommendations to the proper distribution of the different arms of the service based upon strategic, sanitary, and economical considerations.

The board will also formulate and submit a project for the location, examinations, and surveys to be made for the permanent grounds provided for by section 35 of the act of February 2, 1901.

In all its work as herein outlined the board will be governed by such instructions as it may receive from time to time from the Secretary of War.

Detail for the board: Lieut. Gen. Nelson A. Miles, Maj. Gen. John R. Brooke, Maj. Gen. Elwell S. Otis, Maj. Gen. Samuel B. M. Young, Maj. Gen. Arthur MacArthur, Brig. Gen. John C. Bates, Brig. Gen. George M. Randall, Brig. Gen. William A. Kobbé.

The board or any of its members is authorized to visit any points necessary to carry out the instructions contained in the foregoing order; and upon the final completion of the work of the board the members thereof will join their proper stations. The travel enjoined is necessary for the public service.

* * * * *

By command of Lieut. Gen. Miles.

THOMAS WARD,
Acting Adjutant General.

SPECIAL ORDERS, }
No. 270.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, November 21, 1901.

[Extract.]

* * * * *

9. By direction of the Secretary of War, Col. Wallace F. Randolph, Chief of Artillery, and Lieut. Col. Samuel Reber, military secretary, are detailed as member and recorder, respectively, of the board of officers appointed by paragraph 26, Special Orders No. 261, November 11, 1901, from this office, to meet in Washington, D. C., on the 25th day of November, 1901, to consider and report upon the location and distribution of military posts required for the proper accommodation, instruction, and training of the Army as organized under the act of February 2, 1901, not including coast fortifications.

* * * * *

By command of Lieut. Gen. Miles.

H. C. CORBIN,
Adjutant General, Major General, U. S. Army.

WASHINGTON, D. C., February 4, 1902.

The board met at 10 a. m., November 25, 1901. Present: All the members and the recorder. It was formally organized, called upon, and received in person from the Secretary of War his instructions, and then paid their respects to the President of the United States.

* * * * *

The board reassembled on January 31, 1902, when the reports of the two committees, hereto appended, marked "A" and "B," were received by the board, approved, and accepted as its final recommendation. The board continued its sessions on February 1, 3, and 4.

* * * * *

After mature deliberation, taking into consideration the proper disposition of the different arms of the service, based upon strategic, sanitary, and economical considerations, the board recommends the following in regard to the permanent posts, not including the Seacoast Artillery:

Post.	Character.	Garrison recommended.
Apache, Fort, Ariz.....	Permanent....	2 troops of Cavalry.
Assinniboine, Fort, Mont.....	do.....	Headquarters and 8 troops of Cavalry.
Benicia Barracks, Cal.....	do.....	4 companies of Infantry.
Bliss, Fort, Tex.....	do.....	4 companies of Infantry and 2 troops of Cavalry.
Boise Barracks, Idaho.....	Temporary....	1 troop of Cavalry.
Brady, Fort, Mich.....	Permanent....	4 companies of Infantry.
Brown, Fort, Tex.....	do.....	To be used if needed.
Clark, Fort, Tex.....	do.....	Headquarters and 8 troops of Cavalry.
Columbus Barracks, Ohio.....	do.....	4 companies of Infantry.
Crook, Fort, Nebr.....	do.....	Headquarters and 12 companies of Infantry.
D. A. Russell, Fort, Wyo.....	do.....	Headquarters and 12 companies of Infantry and 1 battery Field Artillery.
Davis, Fort, Alaska.....	Temporary....	1 company of Infantry.
Douglas, Fort, Utah.....	Permanent....	Headquarters and 12 companies of Infantry and 2 batteries of Field Artillery.
Duchesne, Fort, Utah.....	do.....	2 troops of Cavalry.
Eagle Pass, Tex.....	do.....	To be used if needed.
Egbert, Fort, Alaska.....	do.....	2 companies of Infantry.
Ethan Allen, Fort, Vt.....	do.....	4 troops of Cavalry and 2 batteries of Field Artillery.
Gibbon, Fort, Alaska.....	Temporary....	2 companies of Infantry.
Grant, Fort, Ariz.....	Permanent....	4 troops of Cavalry.
Hamilton, Fort, N. Y.....	do.....	1 battery of Field Artillery.
Harrison, Fort, Mont.....	do.....	4 companies of Infantry.
Huachuca, Fort, Ariz.....	do.....	Headquarters and 4 troops of Cavalry.
Jefferson Barracks, Mo.....	do.....	Headquarters and 12 companies of Infantry.
Keogh, Fort, Mont.....	do.....	4 troops of Cavalry.
Leavenworth, Fort, Kans.....	do.....	Headquarters and 12 companies of Infantry; 4 troops of Cavalry; 3 batteries Field Artillery; 1 company of the Signal Corps, with a completely equipped telegraph train; and 4 companies of Engineers.
Lawton, Fort, Wash.....	do.....	4 companies of Infantry.
Lincoln, Fort, N. Dak. (Bismarck, N. Dak.).	Temporary....	
Liscum, Fort, Alaska.....	do.....	
Logan H. Roots, Fort, Ark.....	do.....	

Post.	Character.	Garrison recommended.
Logan, Fort, Colo.....	Permanent.....	Headquarters and 12 companies of Infantry.
Mackenzie, Fort, Wyo.....	do.....	4 companies of Infantry.
Madison Barracks, N. Y.....	do.....	Headquarters and 8 companies of Infantry.
McIntosh, Fort, Tex.....	do.....	To be used if needed.
McPherson, Fort, Ga.....	do.....	Headquarters and 12 companies of Infantry.
Meade, Fort, S. Dak.....	do.....	Headquarters and 8 troops of Cavalry.
Missoula, Fort, Mont.....	Temporary.....	To be used if needed.
Myer, Fort, Va. (including Signal Corps Post).	Permanent.....	Headquarters and 4 troops of Cavalry; 2 batteries Field Artillery; School of Instruction, and 2 companies of the Signal Corps.
Niagara, Fort, N. Y.....	do.....	Headquarters and 8 companies of Infantry and 2 batteries Field Artillery.
Niobrara, Fort, Nebr.....	Temporary.....	1 troop of Cavalry.
Ontario, Fort, N. Y.....	Permanent.....	4 companies of Infantry.
Plattsburg Barracks, N. Y.....	do.....	Headquarters and 12 companies of Infantry.
Porter, Fort, N. Y.....	do.....	4 companies of Infantry.
Presidio of San Francisco, Cal.....	do.....	2 batteries Field Artillery and necessary Coast Artillery and 1 company of the Signal Corps with completely equipped telegraph train.
Rampart City, Alaska.....	Temporary.....	4 troops of Cavalry.
Reno, Fort, Okla.....	Permanent.....	Headquarters and 12 troops of Cavalry and 5 batteries Field Artillery.
Riley, Fort, Kans.....	do.....	To be used if needed.
Ringgold, Fort, Tex.....	do.....	4 troops of Cavalry.
Robinson, Fort, Nebr.....	do.....	Headquarters and 12 companies of Infantry, 4 troops of Cavalry, and 2 batteries Field Artillery.
Sam Houston, Fort, Tex.....	do.....	Headquarters and 12 companies of Infantry, 4 troops of Cavalry, and 2 batteries Field Artillery.
Sheridan, Fort, Ill.....	do.....	Headquarters and 12 companies of Infantry, 4 troops of Cavalry, and 2 batteries of Field Artillery.
Sill, Fort, Okla.....	do.....	4 troops of Cavalry.
Skagway, Alaska.....	do.....	1 company of Infantry.
Snelling, Fort, Minn.....	do.....	Headquarters and 12 companies of Infantry and 2 batteries Field Artillery.
St. Michael, Fort, Alaska.....	Temporary.....	1 company of Infantry.
Thomas, Fort, Ky.....	Permanent.....	Headquarters and 8 companies of Infantry.
Vancouver Barracks, Wash.....	do.....	Headquarters and 12 companies of Infantry and 2 batteries Field Artillery.
Walla Walla, Wash.....	Temporary.....	4 troops of Cavalry.
Washakie, Fort, Wyo.....	do.....	4 companies of Engineers.
Washington Barracks, D. C.....	Permanent.....	Headquarters and 4 companies of Infantry.
Wayne, Fort, Mich.....	do.....	Headquarters and 4 companies of Infantry.
Wingate, Fort, N. Mex.....	Temporary.....	Recruiting rendezvous.
Wood, Fort, N. Y.....	Permanent.....	4 companies of Infantry.
Wright, Fort, Wash.....	do.....	4 troops of Cavalry.
Yates, Fort, N. Dak.....	do.....	Do.
Yellowstone, Fort, Wyo.....	do.....	Do.

* * * * *

The board directed the recorder to prepare its final proceedings and authorized the president and recorder to sign the same for the board.

There being no further business before it, the board then adjourned sine die at 11.25 a. m.

NELSON A. MILES,
Lieutenant General, President of the Board.
SAMUEL REBER,
Lieutenant Colonel and Military Secretary, Recorder.

MEMORANDUM OF PROVISIONS TO BE MADE AT THE VARIOUS MILITARY POSTS IN THE UNITED STATES FOR THE ACCOMMODATION OF TROOPS RETURNING FROM THE PHILIPPINE ISLANDS AND FROM CUBA.

WASHINGTON, D. C., July 4, 1902.

The board of officers appointed to take into consideration measures to be adopted to provide accommodations for troops returning from the Philippine Islands and from Cuba met in special session in the office of the Secretary of War at 10 o'clock a. m., the honorable the Secretary of War presiding.

Present: Maj. Gen. H. C. Corbin, Adjutant General United States Army; Maj. Gen. S. B. M. Young, president War (United States Army) College Board; Brig. Gen. M. I. Ludington, Quartermaster General, United States Army; Maj. George Ruhlen, quartermaster, United States Army.

Absent: Lieut. Col. J. A. Johnston, assistant adjutant general, United States Army. The honorable the Secretary of War brought before the board various matters requiring its attention, and after discussion the following were agreed to, namely:

1. That the work of construction at Fort A. Lincoln, near Bismarck, N. Dak., be continued and that post completed as early as practicable to accommodate two companies of Infantry.

2. That Fort Yates, S. Dak., be abandoned as soon as practicable.

3. That Fort Meade, S. Dak., be enlarged to accommodate headquarters and two squadrons of Cavalry.

4. That Fort Mackenzie, Wyo., be completed to accommodate one battalion of Infantry.

5. That provision be made at Fort D. A. Russell, Wyo., for two batteries of Field Artillery in addition to the present Infantry garrison at that post.

6. That Fort Ethan Allen, Vt., be increased to accommodate two batteries of Field Artillery in addition to two squadrons of Cavalry.

7. That the necessary officers' quarters be provided at Fort Myer, Va., for the officers of the two batteries of Field Artillery assigned to that post, provision having already been made for barracks, stables, and gun sheds for those batteries.

8. That the buildings at Fort Harrison, Mont., be overhauled and the post placed in proper repair for a garrison of four companies of Infantry.

9. That Fort Douglas, Utah, be increased to provide accommodations for headquarters and two battalions of Infantry.

(NOTE.—Shall provision be made at Fort D. A. Russell, Wyo., for a third battery of Field Artillery?)

10. The work of reconstructing and enlarging Fort Snelling, Minn., to accommodate an entire regiment of Infantry and two batteries of Field Artillery to be carried as far as practicable with an expenditure of not to exceed \$300,000 from this year's appropriations.

11. That the work of construction at Des Moines, Iowa, be carried on to complete that post for a garrison of four troops—one squadron of Cavalry.

12. That a post for one battalion of Infantry be constructed at Haines Mission, in Alaska, on the military reservation there.

13. That Fort Lawton, Wash., be increased to accommodate headquarters and one battalion of Infantry.

14. That Fort Wright, Wash., be increased to accommodate one battalion of Infantry.

15. That Vancouver Barracks, Wash., be increased to accommodate one full regiment of Infantry and two batteries of Field Artillery.

16. That Fort Ontario, N. Y., be increased to accommodate one battalion of Infantry, headquarters, and two other battalions of the regiment to be stationed at Madison Barracks, N. Y.

17. That provision be made for a cantonment at the Presidio of San Francisco, Cal., for one regiment of Infantry as a depot of recruit instruction.

18. That provision be made for a cantonment of one regiment of Infantry on the military reservation at Monterey, Cal.

19. To carry on the work of rehabilitating and rebuilding Whipple Barracks, Ariz., to accommodate one battalion of Infantry.

After giving instructions that estimates of cost of the foregoing measures be prepared to be submitted at its next meeting the board adjourned at 2 o'clock p. m.

WASHINGTON, D. C., July 14, 1902.

The board met at 3 o'clock p. m., and examined the statement of estimates of cost of the construction work at the 17 military posts and stations mentioned in the report of its proceedings on July 4, 1902, which are as follows:

	Military posts.	Barracks and quarters.	Total.
1. Fort A. Lincoln, N. Dak.	\$28,000	\$66,650	\$94,650
3. Fort Meade, S. Dak.	72,500	23,000	95,500
4. Fort Mackenzie, Wyo.	37,500	70,000	107,500
5. Fort D. A. Russell, Wyo.	85,000	110,500	195,500
6. Fort Ethan Allen, Vt.	112,000	64,500	176,500
7. Fort Myer, Va.		55,000	55,000
8. Fort Harrison, Mont.		4,000	4,000
9. Fort Douglas, Utah.	105,000	23,700	128,700
10. Fort Snelling, Minn.	100,000	200,000	300,000
11. Des Moines, Iowa.	99,000	149,300	248,300
12. Haines Mission, Alaska.	138,000	119,300	257,300
13. Fort Lawton, Wash.	32,500	73,000	105,500
14. Fort Wright, Wash.		27,000	27,000
15. Vancouver Barracks, Wash.	84,500	57,500	142,000
16. Fort Ontario, N. Y.	70,000	92,000	162,000
17. Cantonment at Presidio, Cal.		75,000	75,000
18. Cantonment at Monterey, Cal.		60,000	60,000
19. Whipple Barracks, Ariz.		120,000	120,000
Totals	964,000	1,390,450	2,354,450

The attention of the board having been called to the necessity for construction of buildings at other posts and places than those above named, it submits, for the information of the honorable the Secretary of War, a list of the same and estimate of the cost of work at each, viz:

	Military posts.	Barracks and quarters.	Total.
For buildings required to carry out the instructions of the Secretary of War of June 6, 1902, relative to:			
Fort Riley, Kans.	\$111,000	\$189,000	\$300,000
Fort Leavenworth, Kans.	222,000	32,500	254,500
To build posts for two companies of Coast Artillery at each of the following places where the armaments are nearly completed and no permanent quarters yet provided, namely:			
Fort Casey, Wash.	75,000	100,000	175,000
Fort Worden, Wash.	70,000	90,000	160,000
Fort Rosecrans, Cal.	90,000	100,000	190,000
To make improvements and erect necessary buildings at Fort Totten, N. Y., to prepare that place for its intended use as a school of submarine torpedo defense.	30,000	170,000	200,000
To provide accommodations at Fort McKinley (Great Diamond Island), Me., for one additional company of Coast Artillery.	35,000	40,000	75,000
To provide accommodations at Fort Michie, N. Y., for one company of Coast Artillery.		55,000	55,000

A statement prepared in the Quartermaster General's Office comprising a list of 23 military posts throughout the United States, other than those above mentioned, from which requests for construction of new buildings had been received, together with a list of the buildings desired, and an estimated cost of the same was then submitted to the board, from which it appeared that the cost of all the buildings desired or asked for was approximately \$960,000. After a careful examination of existing conditions in regard to buildings at each of those posts the board selected those buildings which it deemed absolutely necessary for health and comfort of officers and enlisted men and for protection of public property, and found the estimated cost of the buildings so selected to be \$225,000.

The following recapitulation or summary statement of projects considered by the board for accomplishing within the limits of appropriations made by Congress at its last session to the best advantage the purpose of providing shelter for troops in and expected to return to the United States, is submitted, namely:

	Military posts.	Barracks and quarters.
Total appropriations.....	\$2,000,000	\$3,350,000
Required for—		
Rents, etc.....		450,000
Repairs.....		500,000
Cold storage in Philippines.....		180,000
Allotments already made.....		75,000
Totals.....		1,205,000
Balance.....	2,000,000	2,145,000
Required for—		
Fort Riley, Kans.....	111,000	189,000
Fort Leavenworth, Kans.....	222,000	32,500
Totals.....	333,000	221,500
Balance.....	1,667,000	1,923,500
Required for—		
Vancouver Barracks, Wash.....	84,500	57,500
Fort Lawton, Wash.....	32,500	73,000
Fort Wright, Wash.....		27,000
Fort Ontario, N. Y.....	70,000	92,000
San Francisco, Cal.....		75,000
Whipple Barracks, Ariz.....		120,000
Totals.....	187,000	444,500
Balance.....	1,480,000	1,479,000
Required for—		
Fort Lincoln, N. Dak.....	28,000	66,650
Fort Meade, S. Dak.....	72,500	23,000
Fort Mackenzie, Wyo.....	37,500	70,000
Fort D. A. Russell, Wyo.....	85,000	110,000
Fort Ethan Allen, Vt.....	112,000	64,500
Fort Myer, Va.....		55,500
Fort Harrison, Mont.....		4,000
Fort Douglas, Utah.....	105,000	23,700
Fort Snelling, Minn.....	85,000	175,000
Des Moines, Iowa.....	99,000	149,300
Haines Mission, Alaska.....	138,000	119,300
Monterey, Cal.....		60,000
Fort Casey, Wash.....	75,000	100,000
Fort Worden, Wash.....	70,000	90,000
Fort Rosecrans, Cal.....	90,000	100,000
Fort Totten, N. Y.....	30,000	170,000
Fort McKinley, Me.....	55,000	20,000
Fort Michie, N. Y.....		55,000
Total.....	1,082,000	1,455,950
Balance.....	398,000	23,050
For construction at military posts other than those above named.....	225,000	
Balance.....	196,050	

From the foregoing it will appear that to carry out all the projects considered by the board, after deducting estimated amounts required for annual fixed charges, would practically consume the entire amount appropriated, leaving only the comparatively small balance of \$196,050.

Notwithstanding the necessity for the construction of buildings considered by the board at the posts named, it regards imprudent and undesirable any arrangements which would create liabilities so early in the fiscal year that would absorb almost the entire appropriation. To obviate this, the board submits the following recommendations:

That construction of buildings at the posts hereinabove named be authorized and provided for within the limits of cost stated and to carry out the purpose to be accomplished, but that bids be invited and contracts entered into now for only a part of the work to be done, the remainder to be deferred until the opening of the working season in the spring of 1903.

An examination of the lists of buildings required at the posts mentioned above suggests the following division of total amounts at each into two parts, one to be allotted for buildings to be placed under contract as soon as practicable and the other held until the opening of the working season next spring:

Posts.	Total estimated cost.		Cost of work to be done now.		Cost of work to be deferred until next spring.	
	Military posts.	Barracks and quarters.	Military posts.	Barracks and quarters.	Military posts.	Barracks and quarters.
1. Fort Lincoln, N. Dak.	\$28,000	\$66,650	\$28,000	\$66,650		
3. Fort Meade, S. Dak.	72,500	23,000	45,000		\$27,500	\$23,000
4. Fort Mackenzie, Wyo.	37,500	70,000	37,500			36,500
5. Fort D. A. Russell, Wyo.	85,000	110,500	85,000	56,750		53,750
6. Fort Ethan Allen, Vt.	112,000	64,500	85,000	32,250	27,000	32,250
7. Fort Myer, Va.		55,500		31,000		24,500
8. Fort Harrison, Mont.		4,000		4,000		
9. Fort Douglas, Utah.	105,000	23,700	70,000	15,000		43,700
10. Fort Snelling, Minn.	85,000	175,000	42,500	103,500	42,500	71,500
11. Des Moines, Iowa.	99,000	149,300	99,000	149,300		
12. Haines Mission, Alaska.	138,000	119,300	79,000	81,650	59,000	37,550
13. Fort Lawton, Wash.	32,500	73,000	32,500	73,000		
14. Fort Wright, Wash.		27,000		27,000		
15. Vancouver Barracks, Wash.	84,500	57,500	84,500	57,500		
16. Fort Ontario, N. Y.	70,000	92,000	35,000	53,000	35,000	40,000
17. Cantonment, San Francisco, Cal.		75,000		75,000		
18. Cantonment, Monterey, Cal.		60,000		60,000		
19. Whipple Barracks, Ariz.		120,000		75,000		45,000
(n) Allotments already made.		75,000		75,000		
(b) Fort Riley, Kans.	111,000	189,000	111,000	162,000		27,000
(c) Fort Leavenworth, Kans.	222,000	32,500	222,000	32,500		
(d) Fort Casey, Wash.	65,000	110,000	32,500	97,500	32,500	12,500
(e) Fort Worden, Wash.	60,000	100,000	30,000	95,000	30,000	5,000
(f) Fort Rosecrans, Cal.	70,000	120,000	35,000	110,000	35,000	10,000
(g) Fort McKinley, Me.	35,000	40,000	35,000	40,000		
(h) Fort Totten, N. Y.	30,000	170,000	30,000	100,000		70,000
(i) Fort Michie, N. Y.		55,000		55,000		
Total.	1,542,000	2,257,450	1,218,500	1,727,600	288,500	532,250

This statement shows that after placing all the work which it is believed can be advantageously done now under contract there would remain an unallotted balance of \$820,750, which, added to the balance of \$196,050 remaining after the accomplishment of all the work contemplated, would leave \$1,017,050 available next spring for completing the projects above suggested by the board, or for any other purpose that may then appear to take precedence of projects now in view.

Exact figures on amounts required for fixed annual charges for the current fiscal year are not now at hand, although the amounts heretofore stated, namely, \$450,000 for rentals in the United States, Porto Rico, and Hawaii, and \$500,000 for annual repairs due to ordinary wear and tear and to accidents—such as floods, fire, storms, etc., are believed to be probably sufficient for the purposes stated.

The board has not taken into consideration the enlargement of Fort Sheridan, Ill., nor the acquisition of land and construction of buildings for post near Honolulu, in the Hawaiian Islands; nor the construction of new buildings at Fort Monroe, Va., under recommendations of boards of officers whose report is now under consideration and which involves a total expenditure, as estimated, of \$1,031,000; nor the construction of additional buildings, acquisition of land, and other improvements required at Fort Screven (Tybee Island), Ga.; nor provisions for shelter for a regiment of cavalry at Chickamauga Park, Ga.; nor the construction of buildings at Cushings Island, Me.; the enlargement of Fort Screven, Ga.; nor the purchase of additional land at a number of Coast Artillery posts, where land is required to complete erection of necessary buildings.

WASHINGTON, D. C., July 17, 1902.

After conferring with the honorable the Secretary of War in reference to the plans outlined in the foregoing report, the board being advised of the desire of the Secretary of War that the projects considered by it should include provision for a post for a regiment of cavalry in or near Chickamauga Park, Ga., and additional provision for a cantonment or semipermanent post for a regiment of infantry at Monterey, Cal., the board further considered the method to be pursued to obtain the funds required for the two last-named purposes without encroaching to too large an extent upon the projects heretofore considered and recommended.

By revising the list of posts where construction work is required and contemplated, additional buildings which had been on the list of those to be placed under contract at once were selected for transfer to those to be postponed until next spring. By this arrangement the following additional amounts were transferred from the list of items to be placed under contract at once to that of buildings to be held over until next spring or possibly until next year's appropriations become available, namely:

Fort Lincoln, S. Dak.....	\$11, 650. 00
Fort Mackenzie, Wyo.....	3, 500. 00
Fort Ethan Allen, Vt.....	42, 250. 00
Des Moines, Iowa.....	14, 000. 00
Fort Lawton, Wash.....	33, 250. 00
Fort Wright, Wash.....	27, 000. 00
Vancouver Barracks, Wash.....	32, 500. 00
Fort Ontario, N. Y.....	17, 200. 00
Fort Casey, Wash.; Fort Worden, Wash.; Fort Rosecrans, Cal.....	70, 000. 00
Fort Totten, N. Y.....	130, 000. 00
Total.....	381, 350. 00

Adding this amount (\$381,350) to the balance mentioned on page 9, of \$1,017,050, would make..... 1, 398, 400. 00

Deducting from this:

Amount for post at Chickamauga Park.....	\$500, 000. 00
Additional amount added to the \$60,000 already allowed for the post at Monterey, Cal., cost of which will be, according to Gen. Hughes's report, \$125,000.	65, 000. 00
Additional amount required to complete post at Haines Mission, Alaska, for 4 instead of 2 companies.....	96, 500. 00
	661, 500. 00

Will leave an estimated balance, after providing for the various projects above set forth in detail in the manner suggested, of.. 736, 900. 00

Which would be available to meet expenditures for construction work at military posts other than those above specifically mentioned, for unexpected emergencies that may arise and finally to carry on the work begun, although it would be insufficient to complete entirely all the buildings contemplated or required to carry out the plans referred to under items 1 to 19 on pages 2 and 3 of this report, and those on bottom of page 4 and at top of page 5. Some of them would have to lie over until the next year's appropriations could be made.

The result of measures herein suggested to increase available balance of funds to be left unallotted until next spring is in substance as follows:

1. To complete now Fort Lincoln, N. Dak., as a two-company post, omitting two of the less important buildings. Estimated cost, \$83,150.

2. To place under contract now at Fort Meade, S. Dak., buildings required to make that post large enough for a garrison of headquarters and two squadrons of cavalry, but omitting until next spring one of the three barracks and two field officers' quarters. Estimated cost, \$45,000.

3. To continue the work of increasing Fort Mackenzie for a garrison of four companies of infantry, but omitting until next spring one set of field officers' quarters and two double sets of lieutenants' quarters, the post being when work to be placed under contract now shall have been completed otherwise ready for a four-company garrison. Estimated cost of buildings to be constructed at once, \$71,500, B. & Q., \$3,500 R. S.

4. To build now at Fort Russell accommodations for one of the two batteries of field artillery, and possible two of the barracks, in case it shall be found advantageous to erect there a double instead of two single barracks. Estimated cost, \$141,750.

5. To build now at Fort Ethan Allen, Vt., barracks, stables, and gun sheds for one of the two batteries of field artillery, postponing until next spring the erecting of a building containing eight sets of bachelor officers' quarters and barracks, stables, and gun sheds for the second battery. Estimated cost, \$74,750.

6. To build now at Fort Myer, Va., officers' quarters for one of the two batteries of field artillery, postponing construction of field officers' quarters and one double set lieutenants' quarters until next spring. Estimated cost, \$31,000.

7. To prepare now Fort Harrison, Mont., for a garrison of four companies of infantry. Estimated cost, \$4,000.

8. To begin the work of enlarging Fort Douglas, Utah, for a garrison of headquarters and two battalions of infantry, by remodeling the 10 present barrack buildings so that they will accommodate five companies of infantry of present strength and build two of the three new barracks, postponing construction of the third barrack and three non-commissioned staff officers' quarters until spring. Estimated cost, \$85,000.

9. To begin the work of remodeling and reconstructing Fort Snelling, Minn., by enlarging present infantry barracks to accommodate eight companies of infantry of present strength, building band quarters, and quarters, barracks, stables, and gun sheds for one of the two batteries of field artillery, except some minor buildings, the construction of which, together with additional officers' quarters, barracks, stables, and gun sheds for the second battery, to be deferred until next spring. Estimated cost, \$168,000.

10. To continue construction work at Des Moines, Iowa, as now under way and advertised, to complete that post for a garrison of four troops of cavalry. Estimated cost, \$248,300.

11. To begin construction work at Haines Mission, Alaska, by contracting now for officers' quarters, barracks, hospital, and other indispensable buildings for the four companies to be stationed there. Estimated cost, \$257,300.

12. To begin the work of enlarging Fort Lawton, Wash., by placing under contract now buildings for headquarters and one of the two additional companies to be stationed at that post, and defer construction of additional officers' quarters and other minor buildings until next spring. Barracks for two companies to be built now because it will necessarily be a double building. Estimated cost, \$76,000.

13. To postpone construction of additional officers' quarters at Fort Wright, Wash., until next spring, work on the barracks now under way and on storehouse advertised to be carried on.

14. To carry on the work of enlarging Vancouver Barracks, Wash., by remodeling present 10 infantry barracks to accommodate 80 men each, constructing barracks for two batteries field artillery and the additional officers' quarters needed, but postponing construction of two additional infantry barracks until next spring. Estimated cost, \$110,500.

15. By erecting now at Fort Ontario, N. Y., buildings for two of the four companies to garrison that post, and postponing construction of those for the other two until next spring. Estimated cost, \$116,500.

16. To set aside \$75,000 to purchase material and hire necessary skilled labor to provide a cantonment at the presidio of San Francisco, Cal., for a regiment of infantry to serve as a depot of recruit instruction.

17. To set aside \$125,000 for purchase of material and hire of labor to build, with the assistance of troops, a semipermanent post for a regiment of Infantry at Monterey, Cal.

18. To construct at or near Chickamauga Park, Ga., at an estimated cost of \$500,000, a post for one regiment of Cavalry.

19. To carry on the work of rehabilitating Whipple Barracks, Ariz., by providing accommodations there for four companies of Infantry, the sum of \$75,000 to be set aside for buildings, to be placed under a contract now, and the remainder, costing \$45,000, deferred until next spring.

20. To continue construction work at Forts Riley and Leavenworth, Kans., under existing contracts and under those to be made for construction of buildings for which bids have been invited and amounts allotted.

21. To begin construction of necessary buildings for two companies of Coast Artillery at each of the three new posts, Fort Casey and Fort Worden, Wash., and Fort Rosecrans, Cal., by placing under contract now the necessary buildings for one of the two companies at each post, except that barracks may be now built for two companies if it shall be found advantageous to erect double instead of single barracks at those posts. Estimated aggregate cost: Fort Casey, \$120,000; Fort Worden, \$110,000; Fort Rosecrans, \$130,000; total, \$360,000.

22. To continue construction work at Fort McKinley, Me., by placing under contract now necessary buildings for one additional company. Estimated cost, \$75,000.

23. To postpone for the present the construction work at Fort Totten, N. Y.

24. To place under contract now necessary buildings at Fort Michie, N. Y., to provide at that post accommodations for one company of Coast Artillery. Estimated cost, \$55,000.

25. To provide for the construction of the most necessary of the buildings required at the following posts, requests for which are on file in the Quartermaster's General office, namely, at an estimated cost for all the posts named of \$225,000:

Fort Caswell, N. C.: Administrator's building and guardhouse, \$1,250.

Fort Terry, N. Y.: Quartermaster's storehouse, ordnance workshop, and fire apparatus house. Estimated cost, \$14,000.

Fort Rodman, Mass.: One set officers' quarters, one double set noncommissioned officers' quarters, guardhouse, bakery, wagon shed, and fire apparatus house. Estimated cost, \$23,000.

Fort Stevens, Oreg.: Addition to quartermaster storehouse and fire-engine house. Estimated cost, \$3,650.

Fort Slocum, N. Y.: Storehouse. Estimated cost, \$8,500.

Fort Morgan, Ala.: Addition to guardhouse. Estimated cost, \$1,500.

Fort Strong, Mass.: Administration building, double noncommissioned officers' quarters, fire-engine house, oil house, and ordnance storehouse. Estimated cost, \$17,000.

Boise Barracks, Idaho: Enlarging barracks to accommodate 80 men each. Estimated cost, \$3,250.

Fort Flagler, Wash.: Enlarging one barrack building, one guardhouse, and erecting one quartermaster storehouse. Estimated cost, \$11,500.

Fort Barrancas, Fla.: Building bachelor officers' quarters for 8 officers, extending barracks to accommodate an additional company, building administration building, wagon shed, and one single noncommissioned officers' quarters. Estimated cost, \$38,000.

Fort Washington, Md.: One barracks for one company of Coast Artillery, coal shed, and storehouse. Estimated cost, \$29,000.

Fort Fremont, S. C.: Administration building. Estimated cost, \$4,500.

Fort Robinson, Nebr.: Enlarging barracks and stables to provide for 8 Cavalry troops of present strength. Estimated cost, \$22,500.

Fort Carroll, Md.: Barracks, bachelor officers' quarters, coal shed, or such of these buildings as may be found after further investigation absolutely necessary. Estimated cost, \$18,500.

Key West, Fla.: To enlarge present barracks to accommodate one additional company of Coast Artillery. Estimated cost, \$8,500.

Fort Banks, Mass.: Administration building. Estimated cost, \$4,500.

Fort Adams, R. I.: Double noncommissioned officers' quarters. Estimated cost, \$5,000.

In the foregoing report the amounts given as estimated cost refer to cost of those buildings to be placed under contract now.

The post at Chickamauga Park to be built on lands to be acquired by the Chickamauga Park Commission, in addition to their present holdings, and with the approval of the Secretary of War to be used for such purpose.

H. C. CORBIN,
Adjutant General, Major General, United States Army,
President of the Board.

S. B. M. YOUNG,
Major General, United States Army,
President of the War College Board.

M. I. LUDINGTON,
Quartermaster General, United States Army.

JOHN A. JOHNSTON,
Lieutenant Colonel, United States Army,
Assistant Adjutant General.

GEORGE RUHLIN,
Major and Quartermaster, United States Army, Recorder.

Approved.

JULY 21, 1902.

ELIHU ROOT, *Secretary of War.*

68357-12-4

The following letter is quoted from the commanding officer at Fort D. A. Russell relative to designating that post a "brigade post."

MARCH 11, 1910.

THE ADJUTANT GENERAL UNITED STATES ARMY,
Washington, D. C.
(Through headquarters, Department of the Missouri.)

SIR: I have the honor to request that some official action be taken to designate this post as a brigade post. It is now sufficiently advanced in construction to warrant such designation, has sufficient troops, is commanded by a general officer, has an adjutant general of the General Staff Corps; the Cavalry, Artillery, and Infantry each have their separate garrison and administration, with separate quartermaster, subsistence, hay, grain, and coal storehouses and exchanges; a company of the Signal Corps will arrive here about April 1; and it is rumored that a company of the Engineer Corps will be ordered here in the near future, so that in every sense this is a complete brigade.

The quarters for the general officer commanding the post and his staff, as authorized by paragraph 196, Army Regulations, are completed and ready for occupancy.

The office of the Quartermaster General refuses to recognize this as a brigade organization in requisitions, and has several times stated in returning same that "No brigade headquarters exist, etc."

Very respectfully,

FRED A. SMITH,

Brigadier General, United States Army, Commanding.

The following remarks were made by the Acting Chief of Staff regarding this communication:

MEMORANDUM FOR THE ACTING SECRETARY OF WAR.

[Subject: Designation of Fort D. A. Russell, Wyo., as a brigade post.]

Herewith is a communication from Brig. Gen. Fred A. Smith, commanding Fort D. A. Russell, Wyo., requesting that the post named be designated as a brigade post.

There is no provision in law, orders, or regulations for such designation of any post. Were such designation made it would confer no additional authority on the post commander and would simplify none of the problems of supply or administration.

When the regulations were amended to provide for the administration of posts commanded by general officers, the term "brigade post" was avoided as being obnoxious to Members of Congress who were interested in retaining small garrisons at posts in their respective States or districts and as a misnomer as to the character of the garrison, and the term "post commanded by general officers" was used in lieu thereof.

Paragraph 3, Field Service Regulations, contains the following:

"3. In time of peace the largest permanent unit is generally the regiment, but when authorized by the President, brigades and divisions composed of organizations of the Regular Army or of the Militia, or of both, may be organized for the purpose of instruction, such brigades and divisions to be organized as follows:

"A brigade to consist of two or more regiments of Infantry, three being the normal organization.

* * * * *

"A Cavalry brigade to consist of two or three regiments, three being the normal organization; when acting independently, one battalion of Horse Artillery to be attached."

The garrison at Fort D. A. Russell, including organizations under orders to take station there, now comprises one regiment of Cavalry (Ninth), one regiment of Field Artillery (Fourth), one regiment of Infantry (Eleventh), one company of Engineers, one company of the Signal Corps, one hospital company of instruction.

This does not constitute a brigade, but is a detachment of all arms commanded by a general officer.

The communication closes with the following statement:

"The office of the Quartermaster General refuses to recognize this as a brigade organization in requisitions, and has several times stated in returning same that 'No brigade headquarters exist, etc.'"

No additional authority would be conferred upon the post commander in the matter of approving requisitions or ordering purchases, etc., were the post announced as a brigade post. If it is considered that the allowances for ordinary post headquarters are not sufficient for posts commanded by general officers with the staff authorized in paragraph 196, Army Regulations, that fact should be stated in order that steps may be taken to provide an additional allowance of whatever may be needed.

The letter of Gen. Fred A. Smith was accordingly returned on April 1, 1910, with the following remarks by The Adjutant General, viz:

"Respectfully returned, through the commanding general, Department of the Missouri, to the commanding officer, Fort D. A. Russell, Wyo., with the information that his request to have Fort D. A. Russell designated as a brigade post is not favorably considered by the Secretary of War, for the reason that such posts are not provided for in law, regulations, or orders, and because of the further fact that the garrison of Fort D. A. Russell does not constitute a brigade, as defined in paragraph 3, Field Service Regulations. If the allowances for post headquarters at posts commanded by general officers are not deemed sufficient, as seems to be indicated by the last sentence in this letter, the commanding officer, Fort D. A. Russell, should specify in what particulars such allowances are considered too small, so that steps may be taken to make proper provision."

Gen. ALESHIRE. I would like to make a statement along that line.

The CHAIRMAN. All right, sir.

Gen. ALESHIRE. In going over these papers I ran across some interesting matter in connection with this post. As I suggested a while ago, it was established in 1867, and the question of its status as to permanency was up several times. I can not recall the dates, but I do remember that when Gen. Sherman was in command of the Army and Gen. Sheridan was in command of the Division of the Missouri they recommended that this post be retained as a permanent post. When Gen. Sheridan was in command of the Army the question was up and he recommended that it be retained.

The CHAIRMAN. What is the difference between a permanent and a brigade post?

Gen. ALESHIRE. I spoke of a permanent post in contradistinction to one which is being temporarily occupied, and the permanent post we put permanent construction in. We build it up and enlarge it. The temporary post—all posts that were temporary in the West were built of logs and boards, and when the question arises of expending funds for repairs if it is not to be a permanent post we do not think we ought to expend the funds for repairs. Finally, the last time it was considered, as I remember, was during the time that Gen. Schofield was in command of the Army, and I think Secretary Lamont was Secretary of War, and it was decided to retain it as a permanent post.

The CHAIRMAN. What I am trying to get at is who recommended it to be a brigade post?

Gen. ALESHIRE. I do not know.

Mr. DIFENDERFER. I would like to ask Mr. Humphries a question. You have been over the ground in this watershed?

Mr. HUMPHRIES. Yes, sir.

Mr. DIFENDERFER. Have you found large quantities of sheep grazing over those sheds or not?

Mr. HUMPHRIES. Not when I was out there.

Mr. DIFENDERFER. Do you know whether they are there or not?

The CHAIRMAN. Has there been any complaint?

Mr. HUMPHRIES. None that I know of.

Mr. DIFENDERFER. What season of the year were you there, Mr. Humphries?

Mr. HUMPHRIES. I was over that ground in October, 1908, and in 1909. I went over part of it in June, 1910.

The CHAIRMAN. We will be pleased to have a statement of your connection with the Quartermaster's Department. What is your official duty?

Mr. HUMPHRIES. My official position is supervising engineer in the Quartermaster General's office, construction and building.

The CHAIRMAN. And as such you deal with matters such as we have in the case of Fort D. A. Russell?

Mr. HUMPHRIES. Water supply, sewers, construction of buildings, electrical work.

Mr. BULKLEY. How long have you held that position?

Mr. HUMPHRIES. I have had this position since 1906. I have been with the department ever since 1889.

The CHAIRMAN. Will you state your official connection with the Quartermaster's office, Capt. Hartmann?

Capt. HARTMANN. I am an assistant in the Quartermaster General's office and assistant to the officer in charge of the construction and repair division on matters pertaining to the reservation branch, which includes roads, walks, water and sewers, reservation maps, etc.

The CHAIRMAN. General, I hand you supplemental agreement, dated March 4, 1911, relative to the payment of some money to the city of Cheyenne [handing paper to witness].

Gen. ALESHIRE (after examining paper). This action was taken by authority of the Secretary of War, after reference of the matter to the Judge Advocate General.

The CHAIRMAN. That is the supplemental agreement to the contract approved December 12, 1908, and hearing on pages 80 and 81 of the hearings before this committee during the first session of the Sixty-second Congress, with reference to the payment of \$400,000 in installments, is it not?

Gen. ALESHIRE [after examining paper]. Yes, sir.

(The supplemental agreement is as follows:)

SUPPLEMENTARY AGREEMENT DATED MARCH 4, 1911, MODIFYING THE PROVISIONS OF THE CONTRACT (RELATIVE TO FOURTH PAYMENT) BETWEEN THE UNITED STATES OF AMERICA AND THE CITY OF CHEYENNE, STATE OF WYOMING, DATED NOVEMBER 30, 1908, FOR WATER SUPPLY AT FORT D. A. RUSSELL, WYO.

Whereas on November 30, 1908, a contract was entered into between the United States, represented by Brig. Gen. James B. Aleshire, Quartermaster General United States Army, and the city of Cheyenne, Wyo., represented by Peter S. Cook, mayor, for the extension of the water system of the city of Cheyenne, Wyo., and Fort D. A. Russell, Wyo.;

And whereas it is found advantageous and in the best interest of the service to modify the work and payments on said contract, as specified below:

Now, therefore, it is hereby agreed that the work and payments provided for by said contract shall be changed in the following particulars:

It is mutually agreed that the said city of Cheyenne, Wyo., shall furnish all the material and labor required to install one more 10-inch connection besides the two already made between the main pipe line and the water system of Fort D. A. Russell, Wyo., at the location marked "A-B," as shown on attached blue print forming a part of this supplementary agreement.

It is further mutually agreed that, inasmuch as weather conditions prevent the installation of said connection at this time, the said city of Cheyenne, Wyo., will install the same at the earliest practicable date after weather conditions permit.

It is further mutually agreed that it will be advantageous and to the interest of both parties to complete said extension to the water system at the earliest possible date, and that a payment at this time will materially assist to that end.

It is further mutually agreed that the sum of \$1,850 be withheld from the fourth payment stipulated in paragraph 4, page 3, of the original contract, said deduction of \$1,850 being made to provide for all the material and labor necessary to completely install the said third connection as soon as weather conditions permit.

It is further mutually agreed that the \$1,850 withheld as stipulated above shall be paid to the said city of Cheyenne, Wyo., upon completion of the said third connection as stipulated herein.

This supplementary agreement shall be subject to the approval of the Quartermaster General, United States Army.

In witness whereof the undersigned have hereunto placed their hands and seals this 4th day of March, 1911; the name and corporate seal of said city being hereto affixed by L. R. Bresnahan, its mayor, pursuant to an ordinance of its city council passed the 4th day of November, 1908, a copy of which is attached to original contract.

[SEAL.]

Attest:

THE CITY OF CHEYENNE,
By L. R. BRESNAHEN, *Mayor*.

F. C. BACON, *City Clerk*.

THE UNITED STATES,
By F. D. ARMSTRONG,
*Captain and Quartermaster, Ninth Infantry, Constructing Quartermaster,
United States Army.*

Attest:

L. CERVANTES.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL,
March 18, 1911.

Approved by the Quartermaster General, United States Army.

WILLIAM E. HORTON,
Major and Quartermaster, United States Army.

Stamped as follows: Constructing Q. M. Fort D. A. Russell, Mar. 13, 1911. Office of Auditor for War Department, May 20, 1911. Record's Division. Contract No. 30629.

The CHAIRMAN. Is there not a statute prohibiting the payment of money for work or material until the work or material has been performed or delivered?

Gen. ALESHIRE. I presume there is such a statute, but the question covered by that supplemental contract was submitted to the Judge Advocate General, and the action taken by the Quartermaster's Office was in accordance with his recommendation and approved by the Secretary of War.

The CHAIRMAN. Does not this supplemental contract show that the money was paid before the work was done?

Gen. ALESHIRE. My recollection about the case is that we did not pay the entire amount. We withheld an amount of money covering the cost of the service not yet completed. We did not pay for anything that had not been delivered.

The CHAIRMAN. At the time that the money had been paid the work had not been completed and that money had been paid.

Gen. ALESHIRE. We only paid for so much as had been completed.

Mr. DIFENDERFER. What was the necessity for a supplemental agreement?

Gen. ALESHIRE. So that we might have the matter of record and be certain we were following the proper and legal course.

Mr. BULKLEY. The supplemental agreement provides for the further splitting of the payments.

The CHAIRMAN. Is this the usual course of procedure?

Gen. ALESHIRE. Supplemental agreements?

The CHAIRMAN. I understand supplemental agreements are more numerous than original agreements. There are three supplemental agreements, are there not? May there not be supplemental agreements to the fourth and fifth degree?

Gen. ALESHIRE. Hardly that much, I think.

The CHAIRMAN. Is it the usual practice of the department to pay money out in this manner?

Gen. ALESHIRE. Yes, sir; as I recall the case. We will take for instance a contract for the delivery of supplies.

The CHAIRMAN. Can money be paid to the contractor until the supplies are delivered?

Gen. ALESHIRE. No, sir; and we have not done so in this case.

The CHAIRMAN. Does a partial delivery of supplies justify payment?

Gen. ALESHIRE. You can, if it is covered by a supplemental agreement that meets with the approval of the Secretary of War.

The CHAIRMAN. Has a contractor the right to expect that this will be done?

Gen. ALESHIRE. He has not the right to expect it, but often times it happens that it is in the interest of both parties.

The CHAIRMAN. If all contractors or bidders knew that they would meet with this character of indulgence from the department, would it, in your opinion, affect the price that the Government pays for material?

Gen. ALESHIRE. No, sir. I do not think so. I think there are few contracts entered into by any bidders where the contractor does not expect to get some leniency shown him.

Mr. DIFENDERFER. The only reference I find to any of the names of the officers that I inquired about, the commanders, is one to Sanno; I would like a full report on those, Cols. Anderson, Chambers, Bowen, Sanno, Funston, Pendleton, and as many others as you have.

Gen. ALESHIRE. We will get that information for you.

(Thereupon, at 12.20 o'clock p. m., the committee adjourned subject to the call of the chairman.)

(A thorough search has been made of the records for the reports of Gen. Funston, Cols. Sanno, Anderson, Chambers, and Bowen with reference to the water supply and water rights of Fort D. A. Russell, and the following are copies of all the reports on these subjects that could be found:)

132.]

HEADQUARTERS DIVISION OF THE MISSOURI,
ASSISTANT ADJUTANT GENERAL'S OFFICE,
Chicago, Ill., October 18, 1884.

To the COMMANDING OFFICER,
Department of the Platte, Omaha, Nebr.

SIR: Referring to the subject of the water supply of Fort D. A. Russell, Wyo., in connection with any understanding which may have been had between the authorities of Cheyenne and the military authority; and in connection with the ditch now being opened from Crow Creek, about 4 miles above the post, for carrying water around both the post and the town to a point said to be some 18 miles below the latter—the division commander desires you to cause careful investigation and a report thereof to be made of the probable water supply in future for the post.

Inviting your attention to the fact that the pipes for the supply of the town of Cheyenne pass through the military reservation of Fort D. A. Russell for about a mile, the division commander desires a report as to the authority by which this was done and what agreement, if any, was entered into with the town authorities for tapping the pipes to supply water to the post.

The division commander desires you to ascertain if some specific agreement in writing with the town authorities—it being understood that none such is now in existence—can not be made, by which such authorities will guarantee to the post from their pipes a supply of water sufficient to meet all future demands. He deems such security for the future water supply of the post indispensable before the new plans for the expenditure of money at that post be carried into effect.

Very respectfully, your obedient servant,

R. WILLIAMS,
Assistant Adjutant General.

To CHIEF QUARTERMASTER.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
OFFICE CHIEF QUARTERMASTER,
Omaha, Nebr., December 8, 1884.

Respectfully returned to the Assistant Adjutant General, Department of the Platte. The authority for laying the pipes for supply of water to the City of Cheyenne through the military reservation of Fort D. A. Russell is not of record in this office. A written agreement between the commanding officer, Fort Russell, and the authorities of the city of Cheyenne (copy inclosed) by which a supply of water is guaranteed to Fort D. A. Russell, was referred to this office on the 6th instant, and in my judgment is satisfactory.

G. B. DANDY, *Chief Quartermaster.*

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebr., December 18, 1884.

Respectfully returned to the Assistant Adjutant General headquarters, division of the Missouri, inviting attention to inclosed communications, and to copy of proceedings of a special meeting of the city council of Cheyenne, Wyo., relative to a supply of water for Fort D. A. Russell, Wyo.

There is no record at these headquarters of authority granted to the city of Cheyenne by which pipes for supply of water to that city run through the reservation of Fort D. A. Russell, Wyo.

O. O. HOWARD,
Brigadier General, Commanding.

[Fourth indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Chicago, December 23, 1884.

Respectfully forwarded to The Adjutant General of the Army. The arrangement with the city of Cheyenne for the supply of water at Fort D. A. Russell, Wyo., appears satisfactory, and I know of no reason why the expenditures authorized at Fort D. A. Russell should not now be made.

J. M. SCHOFIELD,
Major General, Commanding.

[Fifth indorsement.]

HEADQUARTERS OF THE ARMY,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 29, 1884.

Respectfully referred to the Quartermaster General for remark.

To be returned.

By command of Lieut. Gen. Sheridan.

R. C. DRUM, *Adjutant General.*

[Sixth indorsement.]

Respectfully returned to The Adjutant General of the Army with recommendation that this arrangement be authorized by the honorable the Secretary of War, to be carried into effect.

S. B. HOLABIRD,
Quartermaster General, United States Army.

[Seventh indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., January 12, 1885.

Respectfully submitted to the Secretary of War, concurring in the recommendation of the Quartermaster General.

P. H. SHERIDAN,
Lieutenant General.

[Eighth indorsement.]

Approved.

ROBERT T. LINCOLN,
Secretary of War.

WAR DEPARTMENT, January 17, 1885.

[Ninth indorsement.]

ADJUTANT GENERAL'S OFFICE,
Washington, January 22, 1885.

Respectfully returned to the Quartermaster General, inviting attention to the action of the Secretary of War indorsed hereon, of which the division commander has this day been advised.

R. C. DRUM,
Adjutant General.

133.]

CITY COUNCIL CHAMBER,
Cheyenne, Wyo., October 25, 1884.

Col. JOHN S. MASON, *United States Army.*

DEAR COLONEL: In reply to your communication of the 24th instant, I would state that the authority to cross the military reservation with a ditch for the purpose of supplying the city of Cheyenne with water was given by the War Department, I think, during the time that Gen. Rawlins was Secretary of War.

My attention was called to the matter at the time by Gov. John A. Campbell, of this Territory.

I have been unable to find anything on file or among the papers of the city. I presume the letter of authority can be found in the War Department. The city has always furnished water, through this ditch, to Fort Russell, free of charge, the military authorities from time to time assisting in the repairing of the ditch.

Two years ago the city put in a pipe from the source of supply to city reservoirs following the general line of the ditch without obtaining any additional authority. The city during the past season repaired the old ditch and flumes so as to furnish Fort Russell with plenty of water for irrigating purposes.

The city has the first right to water from Crow Creek; their rights are prior to all others. On the storage plan adopted I have no doubt her system of waterworks would afford water for a hundred thousand people. There is no doubt that there will be an abundance of water for both the city and Fort Russell.

The city will furnish all the water Fort Russell will need, free, if it does not have to be pumped. If the water has to be pumped the city will furnish it at actual cost and give pressure enough for fire purposes and is willing to enter into a contract to do the same.

Very respectfully, your obedient servant,

JOSEPH M. CAREY,
Mayor Cheyenne, Wyo.

A true copy.

E. B. ROBERTSON,
First Lieutenant and Adjutant, Ninth Infantry, Post Adjutant.

134.]

FORT D. A. RUSSELL, WYO.,
October 28, 1884.

Col. JOHN S. MASON,
Ninth Infantry, Commanding Fort D. A. Russell, Wyo.

COLONEL: In response to your request to give my recollection of the building of the water ditch passing through the garrison of Fort Russell, I have the honor to make the following statement:

I was post quartermaster at Fort Russell from about the 1st of August, 1869, to about same period in 1872, Gen. John H. King, United States Army, now on the retired list, being in command of the post the most of this time.

My recollection of the first construction of the ditch is that it was a joint agreement between Gen. King and the city authorities of Cheyenne, the city authorities furnishing a civil engineer to run the line and the military authorities at Fort Russell furnishing a large part of the labor in building the dam and ditch through the reservation. It is my belief the understanding between the military and city authorities was that the post should have the first right to the water, the city to have the residue for the purpose of making an artificial lake which was afterwards called Lake Mah-pe-lu-ta.

During the first year after the construction of the ditch the city of Cheyenne used none of the water except to keep the lake filled, and the overflow wasted in the street.

I do not think any authority was given by the War Department to the city authorities.

Very respectfully, your obedient servant,

A. MORTON,
Captain, Ninth Infantry.

FORT D. A. RUSSELL, WYO.,
October 28, 1884.

ASSISTANT ADJUTANT GENERAL,
Department of the Platte, Omaha, Nebr.

SIR: In reply to your letter of the 22d instant with reference to the future water supply for this post, I have the honor to state with reference to the first inquiry, I am informed by the engineer of the ditch company that they will only be able to obtain water from Crow Creek in the spring of the year during high water. Their object being to store sufficient water during that period to irrigate they hay lands of the company below the city of Cheyenne. Judge Carey and the superintendent of the Cheyenne waterworks are of the opinion that this ditch will not affect the water supply of the city—their dam being above the post—also that the underground flow would be ample for the supply of a well from which we expect to derive a supply for all uses at this post except irrigation. This problem we can only solve by experiment. I think by digging a large well, say 20 feet square and some 10 to 15 feet in depth, would in most seasons supply the post, and by running a pipe from some point in the city pipe which conveys the water from the city dam to their reservoir, the well from which we would pump our supply might be kept filled. I am of the opinion that the deflecting of the surface water of Crow Creek would diminish the underground flow, and thus diminish our supply. The general opinion is that it will not materially affect it. Should it be found, however, that the ditch does affect the city supply, the mayor informs me that prompt measures will be taken by the city to enjoin the ditch company.

With reference to the second point, I can not find on file any authority for laying a pipe or for conducting water by ditch across the reservation. You will perceive that the mayor of Cheyenne states that authority was obtained from the War Department. All I can learn from conversations with different persons is that a ditch was first made by the consent of the post commander, the parties making the ditch agreeing to supply the post with all the water needed. Subsequently the city of Cheyenne obtained the rights of the first company of private citizens, and as the mayor states laid pipes to take the place of the ditch. I understand that a verbal agreement was made that they would put in a T to supply all the water the post might want.

The point made by the mayor that the city has the first right to the water of Crow Creek is, in my opinion, not tenable, as the post of Fort Russell had a dam across the creek and was utilizing the water of the creek long before the city of Cheyenne or citizens of Cheyenne cut the ditch across the reservation, and before any of the ponds now forming the reservoirs of the city were thought of.

From the mayor's letter it will be seen that the city is willing to enter into written agreement to grant us free use of all the water we need from either their main pipe or from their reservoir. One of the lakes and the larger part of a second of the four lakes forming the city's reservoir is found by recent survey of Lieut. Kingman to be on the reservation.

I think it would be better to draw what water we need from their main pipe, as the water in the reservoir after exposure is not good.

As soon as the mayor returns I will communicate with him and have an agreement in writing drawn up and sanctioned by the city council granting us the privilege of all the water needed for the use of this post, in addition to what we can obtain from the well which should be our main source of supply, the water being much purer.

Very respectfully, your obedient servant,

JNO. S. MASON,
Colonel Ninth Infantry, Commanding.

136.]

FORT D. A. RUSSELL, WYO.,
October 29, 1884.

POST ADJUTANT, Fort D. A. Russell, Wyo.

SIR: Complying with the request of the commanding officer that I would give a written statement of the measures taken to secure a water supply for this post and the agreement entered into with the Cheyenne Water Co. during my command of this post from October, 1882, to June, 1883, I have the honor to state that I called for an engineer officer to survey lines of water supply as early as November, 1882. In this connection I beg leave to call attention to my letter 94 and 28, series of 1883. Finding that a line of water pipes was being carried across the military reservation of Fort D. A. Russell without permission and that the water supply from the open ditch was irregular, I had those in charge of the open ditch, and also the overseer of the pipe-laying gang, informed that the work on the reservation must stop until permission was given by me or the question of water supply for the post satisfactorily arranged. A pro forma interruption was made by my direction by the provost sergeant.

Thereupon a Mr. Dyer, of Cheyenne, came to see me and undertook to say for the water company that if the work was allowed to go on, that all our claims should be satisfactorily arranged. At his request I saw Judge Carey, mayor of Cheyenne. In conversation the mayor claimed a right to the water of Crow Creek taken above the post, as I understood him, on the strength of some recent decisions of the United States district court in California rejecting riparian rights and placing water distribution on the basis of public uses. He also claimed that a former Secretary of War had given a ditch company a right of way over the reservation, but he could not produce the authority.

On the other hand, I claimed as post commander that the California decisions did not apply to Government reservations or to rights reserved, as under paragraphs 2339 and 2340, Revised Statutes, and that in the absence of written authority from the Secretary of War the commandant on a reservation had a right to allow or refuse right of way to any person or persons, no matter what their authority from State or Territory. It was agreed, however, between the mayor and myself to waive all points at issue, and that, subject to the approval of higher authority, I should allow the water pipes to be carried across the reservation, and the mayor agreed on his part to give us all the water from their pipes either above or from their reservoirs we might need; that no charge should be made for the water that came to the post at Fort D. A. Russell and to Cheyenne depot by natural flow, and if water was received under force pressure then only a cost charge should be made therefor.

Reserving all rights, I, under these circumstances, allowed the water pipes to be laid across the reservation in January and February, 1883.

Very respectfully, your obedient servant,

THOMAS M. ANDERSON,
Lieutenant Colonel Ninth Infantry.

138.]

CHEYENNE, LARAMIE COUNTY, WYO.,
November 15, 1884.

At a special meeting of the city council held on November 15, 1884, the following proceedings were had:

* * * * *

A communication from Col. John S. Mason, commanding Fort D. A. Russell, was then read, being with reference to the water supply of Fort D. A. Russell, said communication being accompanied by three copies of a proposed agreement submitted for the consideration of the city council. On motion of Mr. Warren, by a unanimous vote of the council, it was ordered that said agreement be spread upon the journal of the council, and it was further ordered that the proper officers of the city sign said contract.

The agreement is in words and figures as follows, to wit:

COUNTY OF LARAMIE, Territory of Wyoming, ss:

This agreement between the city of Cheyenne, in the Territory of Wyoming, of the first part, and John S. Mason, colonel Ninth United States Infantry, commandant of Fort D. A. Russell and the military reservation thereof, duly declared by the President of the United States on behalf of the United States, of the second part.

Witnesseth, that in consideration of the right of way heretofore granted, and permission given by the party of the second part to the party of the first part to run certain ditches and water pipes for the conveyance of water from a point or points on Crow Creek, a tributary of the South Platte River, above the said post of Fort D. A. Russell to the city of Cheyenne, situated below the said post of Fort D. A. Russell, which said ditches and water pipes run across and through the military reservation of the aforesaid post of Fort D. A. Russell, and in consideration of the permission given and authority granted by the party of the second part to the party of the first part to draw water from Crow Creek by means of dams, ditches, pipes, and all necessary means and appliances at a point or points on the said stream where the party of the second part heretofore obtained water by diverting it from the said stream, by means of dams and ditches and necessary means and appliances therefor, for the use and benefit of all the duly authorized occupants of the military reservation of Fort D. A. Russell, and in consideration of the right of use and occupancy granted by the party of the second part to the party of the first part for certain lands, the property of the United States and lying within the limits of the aforesaid reservation of Fort D. A. Russell, used and to be used by the party of the first part for the storage and retention of water in lakes, ponds, or reservoirs for the use and benefit of the party of the first part, the party of the first part does covenant and agree to supply the party of the second part, meaning thereby all the duly authorized occupants of the reservation of Fort D. A. Russell, including the post proper, the quartermaster's, ordnance, and sub-

sistence depots, with as good and wholesome water as is furnished to the inhabitants of the city of Cheyenne, or can be ordinarily obtained from said creek through the means of said pipes, on these conditions, to wit:

That all water that may be conveyed from the lakes, ponds, reservoirs, tanks, ditches, pipes, or other conduits to the premises of the party of the second part by natural flow or force of gravity shall be given freely and without charge in such quantities as may be necessary for the use and benefit of the duly authorized occupants of the military reservation of Fort D. A. Russell, and daily and without interruption, whenever the same can be obtained from said stream by means of said pipes, subject to the following conditions, to wit:

That the party of the second part shall supply, lay, and keep in good order and repair the lateral lines of pipes or other conduits for the conveyance of water from the reservoirs, tanks, ditches, pipes, or other conduits of the party of the first part to the premises of the party of the second part, at its own cost and expense; that the party of the first part covenants and agrees to insert and keep in good condition and repair the necessary T pipes, valves, water gates, or whatever devices and appliances may be necessary to direct or turn the water agreed to be delivered by the party of the first part to the party of the second part.

And it is further agreed that if water should hereinafter be supplied by the party of the first part to the party of the second part by artificial pressure or mechanical means, then in that case the party of the second part may be charged therefor at a rate not to exceed the actual cost incurred by the party of the first part in delivering water to the party of the second part by artificial pressure or mechanical means, as aforesaid.

On motion, the clerk was instructed to transmit the three contracts, with certificate of proceedings to Col. John S. Mason, with the request that he return one copy of contract to the city properly signed.

I do hereby certify that the above and foregoing is a full record of the proceedings of the city council of the city of Cheyenne in the matter therein mentioned so full and complete as the same is shown on the journal of said council.

Witness my hand and the seal of said city this 15th day of November, A. D. 1884.

JOHN K. JEFFREY, *City Clerk.*

True copy.

[SEAL.]

G. B. DANDY,
Quartermaster, United States Army.

140.]

WAR DEPARTMENT,
QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., January 6, 1885.

WATER SUPPLY AT FORT D. A. RUSSELL.

On July 25, 1870, the honorable Secretary of War granted certain citizens of Cheyenne the right of way for a ditch across a portion of the Fort D. A. Russell Reservation in order that said city might be supplied with water, the privilege being reserved to the military authorities of taking a supply of water for the fort from said ditch at any point most convenient for them, and subject further to the condition that the irrigating ditch be brought within one-half a mile of the post.

In November, 1879, report was made that in accordance with a private agreement between the post authorities and those of the city, two days of the week the fort inhabitants had the use of the water supply in view of the permission granted by the Secretary of War for the ditch to cross the reservation, that in order to make use of this permission the military authorities made a branch ditch about 1,400 feet from the west end of the fort, from which place after closing a lock of the city ditch the water was conveyed to the fort. Here it was received in a collecting basin and carried by another ditch to the west end of the parade, from which, after a division, it was carried on both sides, being hardly of any more service than to water the ground and the trees around it and for filling a cistern at the east end of the parade.

Drinking water for the fort was hauled at that time in wagons filled from Crow Creek, which was stored up in a basin on the south end of the fort in an unsatisfactory manner; a wooden gutter placed on the deepest point of the basin, serving as an inlet, carried the water to a wooden box sunk in the ground, from whence it was further carried by means of a cast-iron pipe to another cistern, out of which the water was dipped by an engine 14 feet into the wagons.

Thus matters stood until July 16, 1884, when the Secretary authorized \$8,002 for a better system, viz, in providing a reception well, pump, tanks, pipes, etc. On October 18, 1884, Gen. Schofield suggested to the department commander that some

specific agreement be made in writing with the town authorities by which such authorities will guarantee to the post, from their pipes, a supply of water sufficient to meet all future demands, he deeming such security for the future water supply of the post indispensable before the new plans for the expenditure of money at that post were carried into effect.

At a special meeting of the city council, held November 15, 1884, an agreement was made, spread upon the journal, and proper officers of the city ordered to sign the contract.

The agreement is to the effect that in view of the privileges already granted by the United States the city agrees to supply all the duly authorized occupants of the reservation of Fort Russell, including the post proper, the quartermaster department, ordnance and subsistence depots, with as good and wholesome water as is furnished to the inhabitants of the city or can be ordinarily obtained from said creek through the means of pipes on condition, i. e.—

That all water that may be conveyed from the lakes, reservoirs, etc., or other conduits to Russell by natural flow or force of gravity, shall be given freely and without charge, in such quantities as may be necessary for use and benefit of occupants of Russell, and daily and without interruption whenever the same can be obtained from said stream by means of said pipe, the United States to supply, lay, and keep in good order and repair lateral lines of pipes or other conduits for the conveyance of the water from the reservoirs, tanks, etc., of the city to Russell, at its own cost and expense; that the city agrees to insert and keep in good condition and repair such necessary T pipes, etc., as may be necessary to direct or turn the water agreed to be delivered by the city to the military authorities; it being further agreed that if water should be supplied by the city to the military authorities by artificial pressure or mechanical means, then in that case the military authorities may be charged therefor at the rate not exceeding the actual cost incurred by the city in delivering water to the military authorities.

In the opinion of department and division commanders this agreement seems satisfactory, and they now see no objection why the work should not proceed.

Referred from War Department for remark.

J. G. CHANDLER,
Department Quartermaster General.

Recommend that this arrangement be carried out.

S. B. H.

150.]

Capt. Humphrey's report and replies to the queries of Capt. Marshall in his indorsement of November 1, 1888, with reference to the proposed water system at Fort D. A. Russell, Wyo.

First. Indications are that the subterranean flow of Crow Creek is confined between the bluffs bounding the bottom. The dip of the rock or hardpan stratum, thought slight, where exposed in face of bluffs on each side of bottom; the flow of numerous springs and "draws" where surfaces indicate subterranean flow; the discharge of minor streams into the bottom, and that the present catch basin at post and the well at this depot, which are located on the second level above creek at foot of north line of bluffs, receive their supply principally from the bluffs some distance above bottom of excavation, is evidence bearing on the point.

On reservation within space of $1\frac{1}{2}$ miles two streams enter the Crow; the first, Diamond Creek, rises just off the reservation in the form of a spring, south by west of the Crow, runs onto and through the reservation, a distance of 2 miles to its junction with the main stream below post. It is a stream of running water the year round, being fed by numerous springs along its line. Distance from source to mouth, air line, about $1\frac{1}{2}$ miles; height of source above mouth, quite 50 feet.

The second stream rises on reservation and has, in general terms, the same features as the first, supplemented by larger springs, which form small ponds. Its length is about 2 miles, fall something over 100 feet, and enters the Crow at this depot.

Excavations at city works show the bedrock or hardpan stratum practically horizontal. The same is undoubtedly the case at post location, but no objection to the plan should arise because of it, as the water would, meeting with the least resistance, flow into catch basin to the height of water level in bottom rather than force its way around end of wing walls.

Second and third. The location of city works is about $2\frac{1}{2}$ miles west of and on a level about 60 feet higher than the location of proposed works for post.

It is not believed that the city's works would have any injurious effect on the supply for post; that is, the post would have an abundant supply over and above that

accumulated at city works, and from a source which it is not practicable for the city to reach if it were inclined to do so.

The accepted theory (which is supported, so far as may go the indications on surface of ground at certain points and the increased supply of water below those points) is that there are subterranean flows from the mountains which feed the creek at several different points by flowing down on strata of rock or hardpan overlaying each other and outcropping between Cheyenne and the range according to depth of stratum below surface.

The inclination of surface of ground from mountains down being more pronounced than inclination of the several strata causes outcroppings to appear—first, about 12 miles west of post; second, about 5 miles ($2\frac{1}{2}$ miles above city works); third, just off reservation; fourth, on reservation; and at each of those points the flow is such as to materially increase the supply in creek, and at those points the creek is never dry.

The watershed below (east of) city works is quite extensive on both south and north sides of bottom, and must give a considerable supply, as shown by springs and by seepage, inasmuch as no difficulty is experienced in finding water in wells at a depth of 30 feet or less on levels from 60 to 100 feet above creek.

The plan now in operation at city works is conducting the water to a central point (whence it flows into city mains) by conduits run on the first stratum of bedrock at that point obliquely up and across bottom to bluffs on each side.

A recent inspection of the works showed that conduits which have a base of 3 feet were carrying a depth of 6 inches of water, the water in right (south) conduit had a good current, the water in left one had less of a current. This may be explained, in that the watershed south of creek is the larger; also the creek runs along the south line of bluffs over conduit, though no diminution in creek immediately below is perceptible.

If the city substitute a close brick wall for the conduits or supplement the former by the latter, then the subterranean flow on that stratum would be cut off until the water reached the level of top of wall when seepage would go on. This last would not take place if the city main proves large enough to carry off the water as it accumulates. Now, if the city eventually cut off the entire flow along the stratum referred to there is still a large amount of water flowing on the stratum first underlying it, which outcrops as stated, just off reservation, that together with the water accumulated from watershed between the two works would be, in my opinion, more than ample for all purposes.

If, however, it were necessary to supplement this supply, it might easily and inexpensively be done by running a line of 3-inch pipe from a point on Diamond Creek to reservoir. The mouth of this creek can not be utilized in location as will be explained hereafter.

Fourth. For many reasons I deem it impracticable to supply the post direct from city's works.

- (1) The distance is considerable.
- (2) The right of way would have to be had by purchase or otherwise from the several property owners between the two points.
- (3) The supply of water is not sufficient for both city and post at all times for all purposes.
- (4) The source being on city's property, the supply would be controlled accordingly.
- (5) It would be a continuance of the present system, which is exceedingly vexatious and a source of great trouble to post and company commanders and to the Military Establishment as a whole.

With a view of supplying post with water for irrigating purposes only by means of a pipe line laid in city's old ditch. I measured the distance from post to city works and found it to be 11,280 feet.

The ditch, however, has too many short turns for a pipe line, and it would therefore be necessary to leave the ditch at places and dig deep cuts through 27 points of bluffs and connect them by trestleworks across the intervening ravines.

The expense of constructing and maintaining such a line, together with the expense and time required to secure a right of way, and the fact that the amount of water supplied would lie with authority over whom the military have no control would seem to preclude the practicability of it.

The only plan remaining by which the city might furnish supply is by tapping their main on reservation above (west) post and conducting the water by pipe to pump house on Crow Creek bottom, from whence it might be pumped to the post above.

Direct supply from main to post can not be had, as the main lies on a lower level. As stated, I deem the supply insufficient for both city and post.

In regard to which should be supplied first, if with reference to supply from the city's works, the city would contend for first supply; if with reference to water rights on

Crow Creek, it would depend on priority of location, and would probably be decided in Territorial supreme court.

Fifth. The necessity for two reservoirs of the dimensions given lie in the absolute necessity for having storage room for an adequate supply of water for the post for all purposes and at all seasons of the year. The amount of water which the two reservoirs combined would have had last July, 251,000 gallons, is not too much to have in reserve for a post of the size of Fort D. A. Russell.

As the amount accumulated in main reservoir or catch basin depends on height of water level in bottom, it may in the dry season be more or less than the amount given above, with the chances decidedly in favor of less.

It is neither believed nor contemplated that during the irrigating season the height of water will remain the same in reservoirs—that is, that water will flow in as fast as pumped out. It is believed, however, that the flow into main reservoir would be such, taken in connection with the amount stored in both, as to admit of an adequate supply for all contingencies.

Fort D. A. Russell is no longer a temporary post; but, on the contrary, it is a permanent one and one of the large posts of the country, if one is to judge by the number and nature of the buildings, the personnel and strength of its garrison, together with women and children pertaining to it, an element at all military posts which properly do not enter into considerations of this kind, but who, being present, are of necessity to be supplied.

The band, hospital, and eight companies cultivate from 18 to 20 acres of ground for garden purposes. This land required irrigation to insure success. Orders and regulations seem to encourage the cultivation of gardens, and at this point it is absolutely necessary for the comfort and contentment of enlisted men.

The grounds of post proper and trees thereon require water. For the past three years the grounds have been parched because of dearth of it, and many trees have died. If the system of sewerage proposed for post (plans and estimates for which were forwarded July last) is approved, a constant supply of water will be required for it and, as the officers' quarters receive accessions in plumbing and the enlisted men have water-closets instead of sinks, the demand is still increased. To do away with reservoir at pump house, as shown on plan, and substitute for it the larger reservoir or "catch basin," would be—

First. To diminish the storage capacity by 58,000 gallons.

Second. Owing to the difference in level between the two points, the catch basin would have to be constructed deeper in order to have the height of water shown on plan, and the additional expense would be about the same required for both, as planned.

Third. Water would not accumulate as rapidly, for instead of catch basin being on medial line of bottom it would be on second level above creek and at foot of bluffs, where the ground is altogether more compact and stiff (see remarks on present catch basin near that point, p. 11). Cutting off from plans the catch basin saves the expense incident to its construction; but it also diminishes the storage by 191,000 gallons and loses in a still larger degree the rapidity of accumulation, thereby really curtailing the system.

In my opinion the objections outweigh anything to be gained by change.

Pipe is used to connect catch basin and reservoir that any sediment may be precipitated in the former that the supply for reservoir may be as nearly pure as practicable. While there generally is but little sediment in seepage water after heavy rains, common to this section of country, there would be a good deal of sediment in water finding its way into catch basin from near its circumference. Had I recommended the conduit system I would not voluntarily make use of a "conduit" as a mode of supply for the reservoir.

When I submitted two plans, one proposing conduit and 80-foot reservoir, etc., the other, a simple tight wall with 80-foot catch basin, etc., I was in favor of the last plan, because it was the less expensive of the two and would prove quite as efficient without the objection mentioned as possible in the first.

While I am in favor of the wall, it need not be used in the system at all.

Water will stand in catch basin at same height as water level in Crow bottom at that point, consequently until the water level decreases (which is not probable) to the level of top of wall it is of no utility whatever, and below that level it is not possible for it to fall so long as the Crow bottom contains water. It was introduced as a precautionary measure against a height of less than 3 feet (100,840 gallons) in catch basin and 5 feet (37,807 gallons) in reservoir at pump house, and if built at all could be done at less expense in connection with the other work than at any subsequent time.

With reference to location of lines for wall or conduits, I am of the opinion that they are well placed, taking into consideration the nature of the ground, the location of reservoir and springs.

The only change I would make in plans would be, if wall or conduits be built, I would place pipe line in same trench, thereby saving the expense of excavating for it.

With reference to the present mode of accumulating water, I would state that it consists of a catch basin 13 feet deep with diameter of 20 feet. It is laid for 6 feet from bottom in dry wall and depends entirely on seepage for its supply. A day since the water stood at a height of 6 feet (14,000 gallons in round numbers), this amount being considerable more than is found in summer. The supply exhausted, 36 hours is required for the water to regain its level, the seepage into it being principally from the side of the bluffs, and slow, owing to its location and composition of the earth in which it is dug.

The post authorities, by the labor of troops, supplemented the supply by digging two wells 12 feet by 12 feet by 12 feet on a line west from pump house. The first well is about 70 feet distant from pump to which it is connected. The second is about 150 yards west of the first and connected to it by a 3-inch iron pipe.

The wells each have 8 feet of water (8,617 gallons), which is accumulated in the first by some seepage, but mostly by supply from the second well, which is fed entirely by seepage, being dug near edge of creek.

The supply accumulated in the three receptacles is inadequate to meet the requirements of the post, as they may easily be emptied when considerable time is required to accumulate another supply.

LOCATION OF WORKS.

As stated before, the site selected for the works is the best under the circumstances.

It is sufficiently west (above) of post to prevent contamination of water by either surface drainage or seepage, and is near pump house.

Diamond Creek would, under other circumstances, be the better location because of the increased supply of water which it would afford, but is precluded because of its being east (below) of post and receives the surface drainage and seepage from the stables, numerous privy vaults, cesspools, and enlisted men's sinks, which have been in use for the last quarter of a century.

CROW CREEK.

Crow Creek rises in the Black Hills Range of the Rocky Mountains. The Middle Crow, which flows through reservation, makes its appearance some 40 miles west, and in its course is augmented by numerous mountain streams and by the North and South Crow, which flow into it.

Between Cheyenne and the mountains the creek also receives accession from the watershed, which on the north is quite 4 and on the south quite 7 miles in width. In spring the melting of snow and ice gives the largest supply of the year. No appreciable rise takes place because of rain in warm months, except in case of cloudbursts, when the water passes off rapidly.

A contract or agreement is still in force between the United States and the city of Cheyenne, wherein the latter, for the privilege of crossing the reservation with its main, and storing water thereon for city use, agrees to supply the post and this depot with water.

I think the city has, generally, endeavored to fulfill its part of the agreement, but has often failed, owing to the insufficient supply of water for both places, and because the supply for the post was brought from the city dam in a long tortuous open ditch in which by absorption and evaporation the larger part of the water was lost in transit.

Water for all purposes is most needed when there is least of it, and the scarcity of water has been most felt since the country west of here has become occupied and improved.

A great many irrigating ditches have been taken out of the creek and so great has been the consumption of water west of here that the city has been compelled to take legal steps to prevent its depletion for irrigating purposes during the dry season. This move resulted in a decree of the Territorial supreme court, giving to the city of Cheyenne water for all purposes, and second to irrigating ditches, according to priority of construction.

Nothing was done in the interest of the military establishment, and ditch owners are of the opinion that while Cheyenne has first water for its own use, the city can not supply the military until they (ditch owners) have been supplied.

Recurring to the open ditch which runs from city dam to post, at least one property owner, through whose land runs the ditch, claims that the ditch is no longer the city's property, the city having abandoned it on the completion of the pipe line from dam to city, across reservation.

The city, however, contends that it has never relinquished the ditch, having used it yearly for the supply of the post.

Respectfully submitted.

C. F. HUMPHREY,
Captain and Assistant Quartermaster, United States Army.

151.]

Capt. Marshall's indorsement on proposed water system for Fort D. A. Russell, Wyo.

[Sixth indorsement.]

ENGINEER OFFICE,
DIVISION OF THE MISSOURI,
Chicago, November 1, 1888.

Respectfully returned to the Assistant Adjutant General, Division of the Missouri. The plans and estimates for this work have been examined. The work seems sufficient, and the estimates low. The work will not probably be done at a less cost than estimated. With reference to the probable efficiency and expediency of the waterworks proposed, the information at hand is not sufficient to justify an opinion. Further information upon which to base the "report" called for, is necessary on the following points:

First. Whether the subterranean flow of Crow Creek is confined to the space between the bluffs, i. e., whether the bed rock rises toward the bluffs on either side to limit the width of this saturated material or not?

Second. If the subterranean flow or saturated substratum be limited to the bed of Crow Creek, what relation exists in situation between the works for the supply of the city of Cheyenne and those proposed?

Third. If the works, dams, subterranean dams, seepage wells, or seepage ditches or drains, whatever they may be, for the water supply of Cheyenne, be above the proposed works, what effect will they probably have in limiting the supply of water to the proposed works?

Fourth. If Cheyenne takes its water from Crow Creek above Fort D. A. Russell, whether it be practicable to supply the post from the same source, and if so, at what cost and to what extent, compared with the same elements from the works proposed? Is the supply sufficient for both?

If sufficient, should not the post be first supplied?

With reference to the plan of the work itself:

Fifth. If the water be collected by an open conduit of sufficient capacity, or accumulated above a tight wall as proposed, what necessity is there for two reservoirs connected by an 8-inch iron pipe running in the vicinity of a conduit of greater capacity, itself capable of supplying water direct to the pumping station?

W. L. MARSHALL,
Captain of Engineers,
Engineer Officer, Division of the Missouri.

152.]

Report on the question of the water supply for Fort D. A. Russell, Wyo. (Maj. A. M. Miller.)

UNITED STATES ENGINEER OFFICE,
St. Louis, Mo., December 18, 1888.

To the ADJUTANT GENERAL, United States Army,
Washington, D. C.

SIR: In accordance with paragraph 10, S. O. No. 269, current series, from the headquarters of the Army, Adjutant General's Office, I have the honor to report as follows:

[Report.]

The following order was received at this office November 21, 1888, during my absence on a journey to Vickburg and return, on duty in connection with the works of improvement of the Mississippi River under my charge.

SPECIAL ORDERS, }
No. 269.

HEADQUARTERS OF THE ARMY,
ADJUTANT GENERAL'S OFFICE,
Washington, November 17, 1888.

[Extract.]

* * * * *
10. By direction of the Secretary of War, Maj. Alexander M. Miller, Corps of Engineers, will proceed from St. Louis, Mo., to Fort D. A. Russell, Wyoming Territory, to examine and report on the question of the water supply for that post, and on completion thereof return to his proper station. The travel enjoined is necessary for the public service.

* * * * *
By command of Maj. Gen. Schofield.

R. C. DRUM, *Adjutant General.*

I returned from Vicksburg at 5 p. m on the 29th of November, and proceeded to Fort D. A. Russell on December 3, and returned to my station at St. Louis on December 12.

Fort D. A. Russell is situated in the southeastern part of Wyoming Territory, at an elevation of 6,021 feet above the level of the sea. It lies on the north branch of the Crow Creek, a branch of the South Platte, and 3 miles west of the city of Cheyenne, on the Union Pacific Railroad.

Crow Creek is a small but never-failing stream; on either side are bluffs from 30 to 5 feet high, there being many small bottoms between. To the north of the creek is a large level plateau about a mile wide, beyond which the country is broken. To the south of the stream the country is much broken into low hills for some distance. (See Circular No. 8, Surgeon General's Office, Washington, May 1, 1875.)

The water supply at Fort D. A. Russell is taken from reservoirs sunk in the bottom, through which Crow Creek flows. The post is situated on a plateau about 40 feet above the general level of the bottom, and is at present garrisoned by eight companies of the Seventeenth Infantry, with headquarters, field, staff, and band, the total number of souls, counting women and children at present living at the post and dependent on the water supply, is about 750.

The present water supply is furnished as follows:

To collect water for pumping purposes there are two seepage reservoirs and an auxiliary catch basin. The large reservoir, cylindrical, is 20 feet in diameter, and at time of examination contained 8 feet of water; the second reservoir, square, 12 feet by 12 feet, also held at time of examination 8 feet of water. The reservoirs are supplied by seepage; they are sunk to what is known as the bed rock of the bottom, an impervious hard pan, which underlies a stratum of sand and gravel, forming a natural filter. The two above-mentioned reservoirs are adjacent to the pump house. The second or square reservoir is also supplied, in addition to seepage, by an auxiliary reservoir situated near the bed of Crow Creek and connected with the square reservoir by a pipe, so that when the level in the reservoir has been reduced by pumping, the water flows from this auxiliary reservoir into the square reservoir; the supply for the cylindrical reservoir is received entirely from seepage. As mentioned above, at the time of inspection, when, as I was informed, the creek was in its medium stage, there was 8 feet of water in each reservoir above the bed rock or hard pan.

The water is at present supplied to the post by means of a pump which uptakes from the two reservoirs; the pump is a Knowles fire pump of the size known as "single B" of the following dimensions: Steam cylinder, 12-inch diameter; water cylinder, 6-inch diameter; stroke, 12-inch, and is usually run with a steam pressure of 70 pounds and at a rate of 60 strokes per minute. The pump uptakes from either reservoir and is usually employed 6 hours a day in pumping, 3 in the forenoon and 3 in the afternoon; this method of pumping reduces the reservoirs about 4 feet in depth, there being between the afternoon and the next morning pumping an interval of about 15 hours, during which period the reservoirs have by seepage again risen to the former level, or to a depth of 8 feet. The water is forced by the pump into a tank through a 4-inch pipe, whose delivery is about 70 feet above the pump situated on the bottom, the tank being on the plateau and its water surface about 30 feet above it. The dimensions of the service tank are as follows: The cross section is circular, diameter at bottom, 18 feet; diameter at top, 16 feet; height, 16 feet. This tank with a head of water of about 30 feet supplies the water to the post through about 4,000 feet of 4-inch main. For fire purposes the connections to the tank are so arranged that the tank can be cut off from the pump and the mains, and the pump pressure applied directly to the mains. There are on the post in addition four cisterns to be used in case of fire, of the following dimensions: Depth 20 feet, diameter 18 feet and cylindrical in form; one of them, owing to need of repairs, will hold but 6 feet in depth of water. I understand that

the cement is on hand to repair this cistern. These cisterns are filled by hose from hydrants. There are at intervals distributed along the main about eight hydrants and a supply of 1,000 feet of rubber hose on two reel carts, 500 each, with a reserve of about 500 feet more. A test was made in my presence by order of the commanding officer, Maj. James S. Casey, Seventeenth Infantry, by Lieut. Edgar W. Howe, the acting regimental quartermaster. The trial was as follows: Five hundred feet of rubber hose $2\frac{1}{2}$ inches interior diameter was attached to the hydrant and a nozzle seven-eighths of an inch in diameter was used; the water was thrown to a height of about 20 feet, but at this height the hose could not stand the pressure, and, after bursting successively two sections of hose, the trial was suspended. The climate here is so dry that rubber hose quickly deteriorates and becomes useless. There is at Camp Carlin, the quartermaster's depot, distant from the post about $1\frac{1}{2}$ miles, a fire engine, which, in case of need, would be available in connection with the four storage cisterns already mentioned.

In addition to the above there is an irrigation ditch which taps Crow Creek about 2 miles above Fort Russell and which was formerly used for irrigating the post garden and trees planted around the parade. The irrigation ditch was practically valueless last season, as the needs of the city of Cheyenne required all the water available at its dam, whence the irrigation ditch is supplied during the dry season. In consequence of this want of irrigation the garden was a total failure practically and several of the trees at the post were killed.

The water supply of Cheyenne is taken from Crow Creek, about 2 miles above Fort Russell, and consists of a dam across the creek, whence a 30-inch pipe conducts the water to several lakes, one of which is on the reservation, which are used for storage reservoirs. From these lakes the water is conducted to the mains of the city. In addition they have constructed, to increase the supply during the dry season, above the dam a catch basin with water galleries leading to it along the bedrock, as described by Capt. C. F. Humphrey, assistant quartermaster, United States Army, in his communication marked inclosure No. 6. I visited these works, accompanied by Capt. Humphrey, and examined them carefully. The catch basin is situated about the middle of the bottom, equidistant from the bluffs on either side, with two water galleries running along the bedrock in a diagonal direction upstream, emptying into it. There is provision for another gallery to run directly upstream equidistant from the other two. In this locality the creek follows one of the bluffs, the western, making a "crossing" from the other bluff a few hundred yards above, thus making a very favorable locality for the method employed; one of the galleries led directly to a point under the bed of the stream, the other, the eastern, to a point in the bluff. The depth of water in the 30-inch pipe flowing into the catch basin from the western gallery was 6 inches with a good current, estimated about 4 miles an hour. The depth of water entering from the other galleries was the same, but the current very feeble, showing that the principal supply came from the gallery leading under the bed of the creek. The outflow was $6\frac{1}{2}$ inches deep, the additional half inch being due to the eastern gallery, the discharge pipe being 30 inches in diameter.

At the time of inspection the water supplied by the dam was about equal in amount, thus giving a water supply, roughly estimated, of 2,500,000 gallons per diem. The average daily consumption of Cheyenne is 500,000 gallons, or between 50 and 60 gallons per capita. I was informed by prominent citizens, Gov. Warren, and Judge Carey, Delegate to Congress from Wyoming Territory, that the Union Pacific Railroad would locate their general shops at Cheyenne if a sufficient supply of water could be obtained for a city of 100,000 inhabitants, and that the city authorities and railroad authorities had gauged Crow Creek independently of each other and found its discharge to be between seven and eight million gallons per diem, this when the water was passing over the dam at the city supply pipe, a stage 3 or 4 feet higher than when I saw the creek. Those interested in the water supply of the city were exceedingly anxious to see Fort Russell with an independent supply of its own, as they did not wish to give any water from the city system to the post if avoidable, estimating the supply by their system as only equal to the city requirements.

The capacity of the present water supply at Fort Russell is as follows:

Pump.—Steam cylinders, 12 inches by 12 inches; water cylinders, 12 inches by 6 inches; speed, 60 strokes per minute; theoretical discharge, 1.46 gallons per stroke, or 5,256 gallons per hour; discharge in six hours, 31,536 gallons; actual discharge, 90 per cent of theoretical, or 28,382 gallons in six hours. This is the daily service of pump.

Service tank.—Conical, 18 feet in diameter at bottom, 16 feet diameter at top, and 16 feet high, filled to a depth of 15 feet, contains 25,000.

Supply reservoirs.—Cylindrical, 20 feet in diameter, contains, for a depth of 4 feet (which is a day's pumping of six hours), 9,435 gallons; square, 12 feet by 12 feet; contains, for a depth of 4 feet, 4,320 gallons.

This makes a reservoir capacity of 9,435 plus 4,320 or 13,755 gallons; the pump while working six hours as above delivers 28,382 gallons, therefore the difference, 14,627 gallons, is supplied by seepage and the auxiliary reservoir above mentioned.

Assuming that the auxiliary reservoir supplies an amount equal to the square reservoir or 4,320 gallons, the supply from seepage alone would be in six hours 10,307 gallons. The seepage surface for a depth of 8 feet for all cisterns is 1,271 square feet, giving 1.35 gallons per square foot of seepage surface, or 0.225 gallons per square foot per hour.

The present pump supply, or 28,328 gallons per diem, is equal to a consumption of about 38 gallons, and could without difficulty be increased to 40 gallons with the present time of pumping.

This supply of 40 gallons per capita is generally considered ample for domestic and hygienic purposes, but it is highly probable that the post will be garrisoned by a larger force than at present, as there are now 33 sets of officers' quarters, several of them not quite finished and unoccupied.

It is proper to consider that the post may be garrisoned by a full regiment of Infantry and five troops of Cavalry. This would bring the aggregate to 886 and, including women and children, not far short of 1,200. A supply of 40 gallons per capita per diem would then be 48,000 gallons per day.

The arrangements for fire service are good. As mentioned above, a test was made through 500 feet of 2½-inch hose with a ¾-inch nozzle, the water pressure at pump being 70 pounds, and the hydrant, from 4-inch main, about 1,000 feet distant and 50 feet above the pump. The height to which water should have been thrown under these circumstances is about 40 feet, but when the water reached a height of 20 feet, corresponding to a nozzle pressure of about 10 pounds per square inch, the hose burst, although usually this character of hose is guaranteed to stand a pressure of 600 pounds per square inch.

There is now at the post in the hands of the quartermaster a new pump of the following dimensions: Knowles' patent fire pump, size D; steam cylinder, 16 inches in diameter; water cylinder, 8 inches in diameter; stroke, 18 inches; delivery and suction pipe, 6 inches in diameter.

This pump is guaranteed to lift water 20 feet at Fort Russell and force it vertically 70 feet through the 6-inch discharge pipe. Its capacity is 3.91 gallons per stroke. This pump is not set up.

The boiler at the pump house is of the locomotive fire-box pattern, nominal horsepower 45, is 14 feet long, has forty 3-inch tubes 8 feet long. This boiler is ample for furnishing steam to the new pump in addition to the pump now in use.

As above mentioned, the amount of water required to supply 1,200 persons is 48,000 gallons per diem, the new pump having a capacity of 240 gallons per minute; at a speed of 60 strokes, would deliver this amount in 4 hours.

The depth of water which stands in the two cisterns at present is 8 feet, measured from the bedrock or hard pan, and I was informed that the water never stood at a lower level than this. At the present pump house the bedrock is about 16 feet below the surface. A cylindrical reservoir containing 48,000 gallons with a depth of water of 4 feet, for it is not desirable to pump to a greater depth than this on account of roiling the water, should have a contents of 6,400 cubic feet or a diameter of 46 feet.

I would therefore recommend that a seepage reservoir of the dimensions above, that is, 46 feet in diameter and sunk to bedrock, be built in as close vicinity as possible to the present pump house; that the present pumping plant be left in position; and that the new Knowles pump now on hand be set up for use in connection with the large reservoir, and that both pumps be so arranged that they may take from all the reservoirs, both new and old, either by separate pump connections or by connecting the reservoirs, as may be most economical.

If it is found that this supply is insufficient, then a gallery could be run from the new reservoir along the bedrock to and under the bed of Crow Creek.

The water-bearing stratum is probably confined to Crow Creek bottom, as an artesian well on the parade, begun in 1872, was sunk to a "depth of 1,420 feet without meeting any other than surface water." (See Circular No. 8, Surgeon General's office, Washington, May 1, 1875.)

This system would give a large additional supply of water, and two pumps being available, one would always be ready for use in case of a breakdown or repair to the other. A tank of the dimensions proposed by Capt. Humphrey should be erected at a convenient point for irrigating the garden and trees on the parade, as the water supply with the proposed plant would give a considerable amount of water for irrigating purposes.

Very respectfully, your obedient servant,

A. M. MILLER,
Major, Corps of Engineers.

160.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebr., May 15, 1889.

MY DEAR GENERAL: I wrote you this morning to remind you of the matter of water and sewerage at Fort D. A. Russell and the retention of the pack train in this department. This matter was discussed, as you will remember, on our recent trip. I am an advocate of Capt. Humphrey's plans for both water supply and sewerage system. I think his intimate knowledge of the locality and the great care which he gave to the consideration of various schemes for improving the water supply entitle his plans to consideration. If necessary to a full understanding of these plans, I would suggest that Capt. Humphrey be ordered to Washington for consultation.

Will you also be so kind as to take action on my plan of a summer campaign? I am giving the matter referred to me regarding the advisability of purchasing the 460 acres at Bellevue at once and the matter of water supply such attention as will settle this matter as far as I am concerned. If you have any suggestions to make I would be very glad to have them before the report goes off, so that there may be no necessity for its return.

I am sorry your trip was cut short and your return to Washington hastened.

Very respectfully, yours,

JOHN R. BROOKE.

Maj. Gen. SCHOFIELD,
United States Army.

It will require some time to make the plans according to Maj. Miller's report, and much valuable time will be lost if they are to be waited for.

214.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., August 25, 1902.

To the ADJUTANT GENERAL, UNITED STATES ARMY,
Washington, D. C.

I have the honor to forward herewith a communication under date of July 2, 1902, from the commanding officer, Fort D. A. Russell, Wyo., relative to the controversy with the city of Cheyenne regarding the water rights of that post. Accompanying the letter of Col. Sanno is a communication marked "A," under date of June 27, 1902, from the post quartermaster, accompanied by copies of two letters from the same officer, one with date of June 24 and the other of June 25, all three of these being addressed to the post adjutant. Also accompanying the letter of the commanding officer of Fort D. A. Russell are copies marked "B" and "C" of two communications dated July 14 and July 16, 1894, from the then commanding officer of Fort D. A. Russell addressed to the Adjutant General of the Army. Col. Sanno's letter, with accompanying papers, was referred to the judge advocate of this department and returned with that officer's report marked "D" and by a copy marked "E" of the document by which the honorable Secretary of War, on May 23, 1889, transferred to the State of Wyoming land on which is situated the two lakes so indispensable to the water and ice supply of the post.

Efforts made by the commanding officer of Fort D. A. Russell to obtain a copy of the agreement entered into between the city of Cheyenne and Col. J. S. Mason, then commanding officer at Fort D. A. Russell in 1884, were unavailing. Fortunately copies have been obtained from the records of the old Department of the Platte, now on file at the headquarters of the Department of the Missouri, and are forwarded, marked "F" and "G." A perusal of these agreements shows readily why the authorities of the city of Cheyenne were unwilling to furnish copies of them to the commanding officer of Fort D. A. Russell. It is evident from these agreements that the city of Cheyenne has grossly and persistently violated the terms of an agreement made with the then commanding officer of Fort D. A. Russell in 1884, and that the water rights of the post have almost been allowed to lapse, leaving the post dependent upon the charity of the city of Cheyenne instead of being in possession of its former legal rights.

The question naturally arises as to whether the agreement made between Col. Mason and the city authorities in 1884 would hold in law, as there is nothing to show that Col. Mason, in signing this agreement, was acting under authority from the War Department; but, if one part of the agreement is illegal the same will apply to all of it, and in that case the city of Cheyenne has no right to have its water pipes or ditches on the reservation.

The act of Congress approved March 8, 1895, authorized the Secretary of War "to select and set apart one hundred and sixty acres of land that may no longer be required for military purposes in the Fort D. A. Russell Military Reservation, in said State, for the use of the said State for agricultural fair and industrial exposition grounds, and for other purposes," said act granting to the State of Wyoming lands to be set apart,

but there was nothing in this act to indicate that the tract of 160 acres should contain the two lakes which for years had furnished the ice and a large part of the water for the post. These lakes are now the property of the city of Cheyenne, and have recently been surrounded by a barbed wire fence.

It is unlikely that there is any remedy at this date for the loss of these lakes, but I am of the opinion that by appeal to the Federal courts the post can be upheld in its original rights to the water of Crow Creek, now being taken out by the "Arnold ditch" and all appropriated by the city regardless of the agreements with the post commander in 1884. The post is now dependent entirely on its pumping plant, by which a supply of water altogether inadequate to the needs of the post is obtained. During this summer a large percentage of the trees on the reservation have died and it has been found impossible to maintain gardens or lawns.

I desire to most earnestly recommend that the contemplated construction of additional barracks and stables at Fort D. A. Russell be suspended and that no improvements other than the most necessary repairs be made at that post until the question of water rights is definitely settled. It is respectfully submitted that it would be most unwise to incur heavy expense for the enlargement of this post under present conditions.

I also request instructions as to what action, if any, I can take to test the right of the city of Cheyenne to appropriate the water from Crow Creek, which formerly belonged to the post?

I have the honor also to inclose a map of the reservation, marked "H," and an additional communication, marked "I," from the commanding officer Fort D. A. Russell, dated July 10, forwarding a copy of a letter addressed to him by the city council of Cheyenne.

Very respectfully,

FREDERICK FUNSTON,
Brigadier General, Commanding.

[First indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, August 30, 1902.

Respectfully referred through the Quartermaster General to the Judge Advocate General, United States Army, for remark.

By order of the Acting Secretary of War.

J. PARKER,
Major of Cavalry, Assistant Adjutant General.

[Second indorsement.]

WAR DEPARTMENT,
QUARTERMASTER GENERAL'S OFFICE,
Washington, September 15, 1902.

Respectfully referred to the Judge Advocate General of the Army, inviting attention to preceding indorsement.

According to office memorandum, it appears that the agreement of December 2, 1884, herein referred to, was recommended by the department commander December 23, 1884; by Quartermaster General January 7, 1885; by Lieutenant General January 12, 1885, and approved by the Secretary of War January 17, 1885.

The file records of the Quartermaster General's Office up to and including 1888 have gone to Philadelphia for storage, but the Secretary of War's approval can doubtless be verified from the records of the War Department or Adjutant General's Office if considered necessary by the Judge Advocate General.

M. I. LUDINGTON,
Quartermaster General, United States Army.

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
Washington, D. C., October 4, 1902.

Respectfully returned with the accompanying views of the Judge Advocate General.

[Fourth indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, October 11, 1902.

Respectfully returned to the commanding general Department of the Colorado, Denver, Colo., with reference to the accompanying communication from the Judge

Advocate General and for return to the commanding officer at Fort D. A. Russell for further suggestion as recommended in page 6 of the Judge Advocate General's report. These papers to be returned.

By order of the Secretary of War.

WILLIAM ENNIS,
Lieutenant Colonel, Artillery Corps,
Assistant Adjutant General.

[Fifth indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., October 21, 1902.

Respectfully referred to the commanding officer, Fort D. A. Russell, Wyo., for purpose indicated in the last part of the preceding (fourth) indorsement. These papers to be returned to this office.

By command of Brig. Gen. Funston.

A. C. SHARPE,
Major of Infantry, Adjutant General.

[Sixth indorsement.]

FORT D. A. RUSSELL, WYO.,
November 7, 1902.

Respectfully returned to the Adjutant General, United States Army (through headquarters Department of the Colorado).

The assumption of the Judge Advocate General noted on page 6 of his communication, as to the pipe line referred to, is correct, with this exception: That there is an overflow tile pipe from a point on the pipe line near the small lake leading to this lake, as now indicated on map ("H") submitted herewith. This overflow pipe connects with the pipe line near the point "O" on the map and was probably originally intended for the purpose of draining the pipe line. There is no knowledge at hand of its having been used as a supply line prior to July 2, 1902, but it has been so used since that date.

The city authorities of Cheyenne stated at an interview on this subject at the time my report of July 2, 1902, was forwarded to headquarters Department of the Colorado that when there was surplus water at the dam, the open lakes and open ditch referred to constituted their means of storing reserve water.

The pipe line and ditch "O" have been entered on the map by me since return of these papers.

J. M. J. SANNO,
Colonel Eighteenth Infantry, Commanding.

[Seventh indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., November 8, 1902.

Respectfully returned to the Adjutant General, United States Army, Washington, D. C., inviting attention to the preceding (sixth) indorsement.

A. C. SHARPE,
Major of Infantry, Assistant Adjutant General,
In absence of the Department Commander.

[Eighth indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, November 15, 1902.

Respectfully returned to the Judge Advocate General with reference to remarks of the commanding officer, Fort D. A. Russell, in the sixth indorsement.

By order of the Secretary of War:

J. PARKER,
Major of Cavalry, Assistant Adjutant General.

214 b.]

COUNTY OF LARAMIE, *Territory of Wyoming*, ss:

This agreement, made this 2d day of December, A. D. 1884, between the city of Cheyenne, in the Territory of Wyoming, of the first part, and John S. Mason, colonel Ninth United States Infantry, commandant of Fort D. A. Russell and the military reservation thereof duly declared by the President of the United States on behalf of the United States, of the second part, witnesseth:

That in consideration of the right of way heretofore granted and permission given by the party of the second part to the party of the first part, to run certain ditches and water pipes for the conveyance of water from a point or points on Crow Creek, a tributary of the South Platte River, about the said post of Fort D. A. Russell to the city of Cheyenne, situated below the said post of Fort D. A. Russell, which said ditches and water pipes run across and through the military reservation of the aforesaid post of Fort D. A. Russell, and in consideration of the permission given and authority granted by the party of the second part to the party of the first part to draw water from Crow Creek by means of dams, ditches, pipes, and all necessary means and appliances at a point or points on the said stream where the party of the second part heretofore obtained water by diverting it from the said stream by means of dams and ditches and necessary means and appliances therefor, for the use and benefit of all duly authorized occupants of the military reservation of Fort D. A. Russell, and in consideration of the right of use and occupancy granted by the party of the second part to the party of the first part of certain lands the property of the United States and lying within the limits of the aforesaid reservation of Fort D. A. Russell, used and to be used by the party of the first part for the storage and retention of water in lakes, ponds, or reservoirs, for the use and benefit of the party of the first part, the party of the first part does covenant and agree to supply the party of the second part, meaning thereby all the duly authorized occupants of the reservation of Fort D. A. Russell, including the post proper, the quartermaster's, ordnance, and subsistence depots, with as good and wholesome water as is furnished to the inhabitants of the city of Cheyenne, or as can be ordinarily obtained from said creek through the means of said pipes on these conditions, to wit:

That all water that may be conveyed from the lakes, ponds, reservoirs, tanks, ditches, pipes, or other conduits to the premises of the party of the second part by natural flow or force of gravity shall be given freely and without charge in such quantity as may be necessary for the use and benefit of the duly authorized occupants of the military reservation of Fort D. A. Russell and daily and without interruption whenever the same can be obtained from said stream by means of said pipes, subject to the following conditions, to wit:

That the party of the second part shall supply, lay, and keep in good order and repair the lateral lines of pipes or other conduits for the conveyance of water from the reservoir, tanks, ditches, pipes, or other conduits of the party of the first part to the premises of the party of the second part at its own cost and expense; that the party of the first part covenants and agrees to insert and keep in good condition and repair the necessary T pipes, valves, water gates, or whatever devices and appliances may be necessary to divert or turn the water agreed to be delivered by the party of the first part to the party of the second part; and it is further agreed that if water should hereafter be supplied by the party of the first part to the party of the second part by artificial pressure or mechanical means, then in that case the party of the second part may be charged therefor at the rate not to exceed the actual cost incurred by the party of the first part in delivering water to the party of the second part by artificial pressure or mechanical means as aforesaid.

In witness whereof the said party of the first part has caused the corporate seal to be hereunto affixed by the hands of its clerk, and its corporate name to be hereunto subscribed by the hand of its mayor, this day and year first above written.

[SEAL.]

Attest.

THE CITY OF CHEYENNE,
By JOSEPH M. CAREY, *Mayor*.

JOHN K. JEFFREY, *City Clerk*.

In witness whereof the said party of the second part on behalf of the United States has hereunto affixed his hand and seal the year and day first above written.

THE UNITED STATES,
By JNO. S. MASON,
Colonel Ninth Infantry,
Commanding Fort D. A. Russell, Wyo.

Attest.

JAMES REGAN,
First Lieutenant and Regimental Quartermaster, Ninth Infantry.

Attest.

E. B. ROBERTSON,
First Lieutenant and Adjutant, Ninth Infantry.

A true copy.

JNO. W. PULLMAN,
Deputy Quartermaster General, United States Army.

241 c.]

CHEYENNE, LARAMIE COUNTY, WYO.,
November 15, 1884.

At a special meeting of the city council held on November 15, 1884, the following proceedings were had.

* * * * *

A communication from Col. John S. Mason, commanding Fort D. A. Russell, was then read, being with reference to the water supply of Fort D. A. Russell, said communication being accompanied by three copies of a proposed agreement, submitted for the consideration of the city council.

On motion of Mr. Warren, by a unanimous vote of the council, it was ordered that said agreement be spread upon the journal of the council, and it was further ordered that the proper officers of the city sign said contract.

The agreement is in words and figures as following, to wit:

COUNTY OF LARAMIE,
Territory of Wyoming, ss:

This agreement between the city of Cheyenne, in the Territory of Wyoming, of the first part, and John S. Mason, colonel Ninth United States Infantry, commandant of Fort D. A. Russell, and the military reservation thereof, duly declared by the President of the United States, on behalf of the United States of the second part, witnesseth:

That in consideration of the right of way, heretofore granted, and permission given by the party of the second part to the party of the first part, to run certain ditches and water pipes for the conveyance of water from a point or points on Crow Creek, a tributary of the South Platte River, above the said post of Fort D. A. Russell, to the city of Cheyenne situated below the said post of Fort D. A. Russell, which said ditches and water pipes run across and through the military reservation, of the aforesaid post of Fort D. A. Russell; and in consideration of the permission given and authority granted by the party of the second part to the party of the first part to draw water from Crow Creek by means of dams, ditches, pipes, and all necessary means and appliances at a point or points on the said stream where the party of the second part heretofore obtained water by diverting it from the said stream by means of dams and ditches and necessary means and appliances therefor for the use and benefit of all the duly authorized occupants of the military reservation of Fort D. A. Russell, and in the consideration of the right of use and occupancy granted by the party of the second part to the party of the first part of certain lands, the property of the United States, and lying within the limits of the aforesaid reservation of Fort D. A. Russell, used and to be used by the party of the first part for the storage and retention of waters in lakes, ponds, or reservoirs for the use and benefit of the party of the first part, the party of the first part does covenant and agree to supply the party of the second part, meaning thereby all the duly authorized occupants of the reservation of Fort D. A. Russell, including the post proper, the quartermaster's, ordnance, and subsistence depots, with as good and wholesome water as is furnished to the inhabitants of the city of Cheyenne, or as can be ordinarily obtained from said creek through the means of said pipes on these conditions, to wit:

That all waters that may be conveyed from the lakes, ponds, reservoirs, tanks, ditches, pipes, or other conduits to the premises of the party of the second part, by natural flow or force of gravity, shall be given freely and without charge, in such quantity as may be necessary for the use and benefit of the duly authorized occupants of the military reservation of Fort D. A. Russell, and daily and without interruption,

whenever the same can be obtained from said stream by means of said pipes, subject to the following conditions, to wit:

That the party of the second part shall supply, lay, and keep in good order and repair the lateral lines of pipes or other conduits for the conveyance of water from the reservoirs, tanks, ditches, pipes, or other conduits of the party of the first part to the premises of the party of the second part, at its own cost and expense; that the party of the first part covenants and agrees to insert and keep in good condition and repair the necessary T pipes, valves, water gates, or whatever devices and appliances may be necessary to divert or turn the water agreed to be delivered by the party of the first part to the party of the second part.

And it is further agreed that if water should hereafter be supplied by the party of the first part to the party of the second part by artificial pressure or mechanical means, then in that case the party of the second part may be charged therefor at a rate not to exceed the actual cost incurred by the party of the first part in delivering water to the party of the second part by artificial pressure, or mechanical means as aforesaid.

On motion, the clerk was instructed to transmit the three contracts, with certificate of the proceedings, to Col. John S. Mason, with the request that he return one copy of contract to the city when properly signed.

I do hereby certify that the above and foregoing is a full record of the proceedings of the city council of the city of Cheyenne, in the matter therein mentioned so full and complete as the same is shown on the journal of said council.

Witness my hand and the seal of said city this 15th day of November, A. D. 1884.

[SEAL.]

JOHN K. JEFFREY,
City Clerk.

A true copy.

JNO. W. PULLMAN,
Deputy Quartermaster General, United States Army.

214 d.]

[Copy of inclosure to 235-A, D/C, 1901.]

Whereas by an act of Congress approved March 8, 1895, the Secretary of War, at the request of the governor of the State of Wyoming, was authorized and empowered, in his discretion, to select and set apart 160 acres of land that may no longer be required for military purposes in the Fort D. A. Russell Military Reservation, in said State, for the use of the said State for agricultural fair and industrial exposition grounds, and for other purposes, said act granting to the State of Wyoming the lands so set apart: *Provided*, That the entry and selection of land under the provisions of said act shall be construed as being in part satisfaction of the grant of lands to the State of Wyoming for charitable, educational, penal, and reformatory institutions under the provisions of section 11 of the act of Congress of July 10, 1890.

And whereas William A. Richards, governor of the State of Wyoming, has requested the Secretary of War to select and set apart 160 acres of land now embraced within said Fort D. A. Russell Military Reservation for the purposes specified in said act of March 2, 1895;

Now, therefore, this is to certify that the Secretary of War hereby selects and sets apart, subject to the provisions of said act of March 8, 1895, 160 acres of land, the same being no longer required for military purposes, in the Fort D. A. Russell Military Reservation, in said State, as shown in the attached drawing, and described as follows: Beginning at a point in the east boundary of the Fort D. A. Russell Military Reservation which bears south 15° 45' west 2,178 feet from the northeast corner of said military reservation and running thence south on the said east boundary of said reservation 1,760 feet; thence west 3,960 feet; thence north 1,760 feet; thence east 3,960 feet to the place of beginning.

Witness my hand and the seal of the War Department this 23d day of May, 1898.

R. A. ALGER, *Secretary of War*.

FORT D. A. RUSSELL, WYO.,
February 20, 1901.

The ADJUTANT, Fort D. A. Russell, Wyo.

SIR: I have the honor to request that this office be informed as to the exact location of the 160 acres of land set apart from the reservation and granted to the State of Wyoming, by an act of Congress dated March 2, 1895, and published in General Orders, No. 13, Adjutant General's Office, 1895.

Very respectfully,

M. C. KERTH,
First Lieutenant, Twenty-third Infantry,
Acting Assistant Quartermaster.

[First indorsement.]

FORT D. A. RUSSELL, WYO.,
February 24, 1901.

Respectfully forwarded to The Adjutant General, United States Army, Washington, D. C. (through headquarters Department of the Colorado), requesting information asked for in this office locating the boundary of this plat of land described in the within communication.

D. B. DEVORE,
*Captain, Twenty-third Infantry,
 Commanding Post.*

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., February 25, 1901.

Respectfully forwarded to The Adjutant General of the Army, approved.

H. C. MERRIAM,
Brigadier General, Commanding.

[Second indorsement.]

WAR DEPARTMENT,
 ADJUTANT GENERAL'S OFFICE,
Washington, March 6, 1901.

Respectfully referred to the Judge Advocate General for the information requested within.

By order of the Secretary of War:

GEO. ANDREWS,
Assistant Adjutant General.

[Third indorsement.]

JUDGE ADVOCATE GENERAL'S OFFICE,
Washington, March 7, 1901.

Respectfully returned to The Adjutant General of the Army with a copy of the instrument executed by the Secretary of War pursuant to the act of Congress of March 2, 1895, and a blue print of the drawing therein referred to, which furnish the information requested.

G. M. LIEBER,
Judge Advocate General.

[Fourth indorsement.]

WAR DEPARTMENT,
 ADJUTANT GENERAL'S OFFICE,
Washington, March 11, 1901.

Respectfully returned to the commanding general, Department of the Colorado, with reference to the preceding indorsement and accompanying inclosure.

By order of the Secretary of War:

GEO. ANDREWS,
Assistant Adjutant General.

[Fifth indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., March 15, 1901.

Respectfully returned to the commanding officer Fort D. A. Russell, Wyo.
 By command of Brig. Gen. Merriam:

CHAS. A. VARNUM,
Acting Assistant Adjutant General

214e.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
OFFICE OF THE JUDGE ADVOCATE,
Denver, Colo., July 8, 1902.

The ADJUTANT GENERAL, DEPARTMENT OF THE COLORADO,
Denver, Colo.

SIR: There appears to be three matters concerning which the post commander desires information:

(1) Location of the portion of the reservation given to the State pursuant to the act of Congress passed March 8, 1895.

(2) Authority of the city of Cheyenne to maintain ditches, pipes, and reservoirs on the reservation.

(3) The present status of water rights generally, as affecting the post.

As to (1). Secretary Alger selected 160 acres of land in the northeast corner of the reservation. Description and blue print of this selection should be on file at the post, having been sent there from your office March 15, 1901. (See your a/235, 1901.) The small artificial lakes formerly on the reservation lie within the selection and now belong to the city.

As to (2). Nothing is known at these headquarters of the so-called "local water agreement." There seems to be no copy on file at the post, and the Cheyenne authorities seem unable or unwilling to produce one. There are no records whatever here bearing on the matter, as Fort D. A. Russell was, until recently, in the Department of the Platte, and records of that department are now at headquarters Department of the Missouri.

The inclosure (B) indicates the existence of such "agreement," and moreover throws strong light on its nature. It seems to be a grant of a permanent usufruct. If so, the powers of Congress have been usurped in making it. If, however, it is a mere license or permit, temporary and revocable, the powers of the President have been so usurped. In any case, the grantor was without authority to make the instrument. Furthermore, it is probable that the city of Cheyenne exceeded the powers given it by its charter, when it agreed to furnish water to nonresidents without the city limits; the "grant" in that case being doubly worthless.

Careful search of the acts of Congress fails to discover any authorization for the city of Cheyenne to convey water across the reservation. A 60-foot right of way for a street car line was given February 25, 1889; this may bear on the matter. If there has been explicit authorization by Congress, it undoubtedly took the form of the familiar "rider" to appropriation bill or other nongermane legislation, just as the post was robbed of its lakes and ice supply.

It must not be forgotten, however, that the grant of land (the 160 acres in the northeast corner of the reservation) necessarily carried with it such water rights as then existed in respect to the parcel granted.

This land carried existent reservoirs, with an existent "appropriation" feeding them through an existent ditch, and the whole system may be appurtenant to that land.

Returning to the "agreement" (see B), it is apparent that the action of the post and department commanders in granting a usufruct was known to the War Department in July, 1894, if not earlier; and the department's attitude seems to have been one of acquiescence.

In view of the foregoing, it is my opinion that the question of possible trespass by pipes and ditches on the reservation should be referred to the War Department for settlement. It would be well, however, to advise the post commander to call on the city authorities at Cheyenne to show cause why the ditch and pipe apparently on the reservation by trespass should not be removed, the post commander to take no action following, without orders from superior authority. This might procure a copy of the "agreement" or other authorization, if existent.

As to (3). "In the absence of specific authority from Congress, a State can not, by its legislature, destroy the right of the United States, as the owner of lands bordering on a stream, to the continual flow of its waters, so far, at least, as may be necessary for the beneficial uses of the Government property." (174 U. S., 690; 19 Sup. Ct., 770.)

This decision may not be said to rest wholly on the doctrine of riparian rights (though these were existent and a factor in the case then determined), but rather on the ground that no sovereignty may interfere with the instrumentalities of another sovereignty. In my opinion, as the Fort Russell Reservation was declared in 1868 from the public domain, possible rights from riparian ownership do not enter into the question at all.

This doctrine throughout the arid West has been so curtailed in its operation by statute that it is safe to say the best authorities now hold it absolutely nonexistent so far as irrigation is concerned, and, by the same reasoning based on the same neces-

sities, it never has applied in desert countries. Further, the United States, by statute, by decisions of its courts, and by the tacit consent of its executive instrumentalities, has consistently advanced and fostered the doctrine of appropriations as supplanting that of riparian rights in the arid region. The true question is how far may statute, grant, appropriation, or custom in the State of Wyoming, acquiesced in by the Federal Government, be held binding on that Government as affecting its military reservations.

Whether this attitude of the Government may fairly support a contention that an appropriator may acquire rights actually adverse to the United States is a question that fortunately needs no settlement at this time. Certainly Congress has safeguarded the usefulness of its military reservations in the past by excluding them from the operation of its "omnibus" bills looking to the development of the West, and it is not reasonable to suppose it has acquiesced in loss of water rights therein through subsequent "appropriation" by citizens. (But see 79 Fed., 241.)

It is clear that in the past, and presumably as far back as 1884, there was an actual appropriation by the garrison of water for irrigation purposes. No appropriations subsequently made can conflict with the right thus gained; no right of adverse user lies against the Government, nor is it bound to comply with the formalities as to declaration, recording, etc., established by Wyoming statute. This appropriation by the garrison is to-day unassailable; it may or may not be in amount sufficient for present needs. It is thought that an amicable arrangement may be secured by which this appropriation may be recognized by the Wyoming Board of Control and made of record under its system.

Very respectfully,

DELAMERE SKERRETT,
Captain, Artillery Corps, Acting Judge Advocate.

214 g.]

FORT D. A. RUSSELL, WYO.,
July 16, 1894.

THE ADJUTANT GENERAL, UNITED STATES ARMY,
Washington, D. C.

(Through military channels).

SIR: I have the honor to state I have observed that a bill has been introduced in Congress granting the city of Cheyenne the right of way across this military reservation to lay and maintain water pipes, conduits, ditches, etc. In view of the report that Congress expects to adjourn in about a month, and as the provisions of this bill will greatly affect this post, I assume to submit the following for the consideration of the honorable the Secretary of War.

The city now has a pipe line and an open ditch across the reservation and through these draws water from Crow Creek.

Nothing can be grown here without irrigation. To supply water for this purpose, the post acquired the right to what is known as the "Arnold ditch," which takes water from Crow Creek, about 2½ miles above the post, and brings it into the garrison. The post maintained the dam and the ditch. In 1884 the city of Cheyenne, desiring to increase its water supply, made a proposition to the then commanding officer in effect as follows:

The city to take charge of the dam, galleries, and ditch, then used by the post, to maintain them and construct any appliances deemed necessary; to have the right to run pipes and conduits across the reservation. In consideration of these privileges the city was to supply, without charge, all the water needed by all authorized inhabitants of the reservation. The proposition was accepted, but the city has never fulfilled its obligation.

The post has waterworks of its own, which afford a supply ample in quantity for domestic purposes, but not sufficient for both domestic and irrigating purposes, though the city agreed to furnish all the water needed by authorized inhabitants of the reservation.

It has been asked to supply water only to irrigate the post garden. Even this it has persistently neglected to do, to the great detriment and injury of the post.

The permanent post commander, Col. John S. Poland, Seventeenth Infantry, now on detached service, on the 29th ultimo notified the mayor of Cheyenne that unless the city fulfilled its obligations to the post he would take steps to have the agreement above referred to annulled.

This communication from Col. Poland has, I presume, instigated the introduction of the bill to grant the right of way.

The post now has full right to all its needs of the water running through and the city pipes and ditches. By this water the trees, gardens, and lawns of the post can

be maintained without expense to the United States. Without it they must be abandoned or the United States construct more reservoirs and constantly expend a much larger amount of fuel in pumping than is now used.

It is my opinion and, I believe, that of Col. Poland that this bill should not pass, except with a proviso that the city of Cheyenne shall furnish the post of Fort D. A. Russell with all the water it needs without charge.

With the water acquired through the comity of the post commander in 1884 the entire city of Cheyenne waters lawns, trees, and gardens.

If the residents of the city can have water for grass, it would seem the post should have enough to irrigate a garden for the troops.

Attention respectfully invited to inclosures with reply to circular letter of the War Department of 25th ultimo forwarded from this office on July 14.

Very respectfully, your obedient servant,

C. H. GREENE,
Captain, Seventeenth Infantry, Commanding Post.

214 h]

OFFICE OF THE QUARTERMASTER,
Fort D. A. Russell, Wyo., June 27, 1902.

The ADJUTANT, *Fort D. A. Russell, Wyo.*

SIR: I have the honor to invite the attention of the commanding officer to the condition governing the water supply of this post.

The water supply of this post and of the city of Cheyenne, in part, is obtained from the same source, namely, Crow Creek, a small stream which has its origin in the hills about 25 miles west and which flows across the Government reservation from approximately west to east.

About 3 miles above the post the city of Cheyenne has constructed a system of galleries, dams and ditches, etc., by means of which the water is piped into the city. The pipe line conducting this water crosses the Government reservation. To provide a reserve supply an open ditch has been run from the dam, in the same general direction as the pipe line referred to, to a series of artificial lakes near the city in which water is stored for use in event of the supply failing.

These lakes, one of which is entirely and one in part located on the Government land, are connected by means of open ditches and tile pipe lines, thus enabling the city to draw on them as water is required.

The surplus water which is not required to supply the pipe line and which is not stored in the lakes before mentioned is allowed to follow the course of Crow Creek and is used by the ranchers along the banks for domestic and irrigation purposes.

At the post an underground dam has been constructed running across the course of the creek and reaching from the hardpan bottom to within 20 inches of the surface, thus forming a large settling basin, from which the water is pumped into the post for domestic purposes.

To provide water for irrigation a ditch has been constructed, from the main ditch supplying the lakes before referred to, to connect with the irrigating system of the post. This is available only when sufficient water has been stored as a reserve by the city of Cheyenne and is under the control of the State water commissioners at Cheyenne.

During the present year water has been obtained from this ditch for a period of three weeks only, and as a result the post garden, trees, shrubbery, lawns, etc., have suffered from the lack of water.

With a view of remedying this condition of affairs, Mr. W. D. Pease, State water commissioner, State of Wyoming, district No. 1, division No. 1, was called upon by this office for information concerning the water supply and the Government right to use the same. His reply (a true copy of which is attached hereto and marked "A") was forwarded under date of June 24, 1902.

I am informed that in 1884 the post acquired the right to what is known as "Arnolds ditch," which at that time was used to convey water from Crow Creek to the post garden. I can find no information that this right has ever been surrendered and it is evidently in existence to-day.

An inspection of the two lakes on the reservation used as a reservoir was made on June 24, 1902, and report forwarded. A true copy is attached hereto and marked "B."

From the larger of these lakes (Lake Absacara) the post supply of ice is secured. It was noted at an inspection on June 24 and again on June 26 that the water had fallen 4 inches between those dates. This is evidently due to water being drawn off by the city. A continuance of this practice will seriously endanger the ice supply of the post for the coming year.

The amount of water required for domestic purposes every 24 hours in the post is approximately 90,000 gallons, which must be drawn from the basin at the creek bottom.

Owing to there being no water for irrigation in the main ditch on June 24 this source of supply was used for irrigation purposes for two hours in the morning and afternoon. In both instances the water in the basin became exhausted and it was necessary to stop irrigating.

It is respectfully submitted that the Government is permitting a valuable right to rest in abeyance and that a great inconvenience and damage is resulting from the lack of water for irrigation purposes. In view of the fact that the city of Cheyenne is using the Government land for its pipe line and that two of its reservoirs are located on the reservation, without expense to the city, it is believed that an ample supply should be furnished without expense to the United States.

At the present time the city of Cheyenne is furnishing water for watering streets, lawns, etc., and it is not apparent why water can not be supplied for use in the post garden and for newly planted trees.

I am informed by the engineer in charge of the post pumping station that the difficulty in securing water has been increasing from year to year for the past five years and has occurred as long ago as 1888 and again in 1894.

This is presumably due to the increased number of ranches along the banks of the stream. The State water commissioners state that the water rights to these ranches are considered by him prior to that of the Government. It is respectfully requested that these rights and that of the city of Cheyenne to the use of Government land be investigated with a view of protecting the interests of the Government in the matter.

Attention is also invited to the fact that new quarters are being constructed at this post, and the advisability of continuing such work without assurance of a permanent and ample water supply is a most important question.

Very respectfully,

HARRIS PENDLETON, Jr.,

First Lieutenant, Eighteenth Infantry, Quartermaster.

NOTE.—For copies of inclosures "A" and "B" referred to, see copy marked "224-b."

214f]

FORT D. A. RUSSELL, WYO., July 14, 1894.

THE ADJUTANT GENERAL, UNITED STATES ARMY,

Washington, D. C.

SIR: In reply to circular letter of June 25, 1894, War Department, Adjutant General's Office, I have the honor to submit the following report and copies of correspondence on file with the records of this post, bearing upon the subject of * * * permits and privileges in force June 30, 1894, in relation to the supply of water to the post, etc., by the city of Cheyenne.

* * * * *
Local water agreement between the city of Cheyenne, and the commanding officer, Fort D. A. Russell Military Reservation.

Question 1. Name of grantee?

Answer. The city of Cheyenne, Wyo.

Question 2. What rights or privileges are conferred?

Answer. To run certain ditches and water pipes for the conveyance of water from points on Crow Creek across and through the military reservation of Fort D. A. Russell, by means of dams, ditches, pipes and all necessary means and appliances at a point or points on said stream where the post of Fort D. A. Russell Military Reservation heretofore obtained water.

Question 3. Date of grant?

Answer. December 2, 1884.

Question 4. Authority confirming or approving same?

Answer. Commanding general, Department Platte, November 12, 1884, indorsement.

Question 5. Give date of special acts or resolutions of Congress, if any, conferring authority to make said grants?

Answer. There are none.

Question 6. For what period is grant made?

Answer. No period fixed in agreement.

Question 7. In what form is grant conferred, such as lease, license, permit, etc.

Answer. In form of agreement, naming parties making covenants, and parties bound with conditions, and signed.

Question 8. Is grant revokable? When and how?

Answer. Yes; when the city of Cheyenne fails to fulfill the conditions, but it is not so stated in the agreement.

Question 9. Area of land occupied and used, if any?

Answer. Approximately $2\frac{1}{2}$ linear miles of pipe and 3 linear miles of ditch.

Question 10. What consideration is agreed to be paid?

Answer. None, other than the city accepted the conditions to furnish, without charge, all the water required by occupants of the military reservation.

Question 11. What disposition is made of consideration?

Answer. If the water which is absolutely needed at Fort D. A. Russell Reservation for irrigating the garden, trees, etc., is entirely appropriated during the summer months by the city of Cheyenne, depriving the post of Fort D. A. Russell Military Reservation of water which is obtained from Crow Creek prior to this agreement made. (See documents.)

Question 12. Is grantee in arrears in his payments; if so, how much?

Answer. Not in respect to money, but yes, in respect to fulfilling the conditions accepted to supply this military reservation with all the water needed, and for several summers. (See inclosures.)

Question 13. Should grant be renewed or discontinued?

Answer. The agreement should be annulled if the city does not comply with the conditions of the same and remedy the difficulty as pointed out in communication of the commanding officer, in letter June 29, 1894, and in case of failure to do within 30 days, the pipes laid across the reservation should be taken up, and removed from the reservation, as also all dams, wells, and pipes that obstruct in delivering the water to Fort D. A. Russell Military Reservation from Crow Creek at this point or points where it heretofore obtained water. If that can not be effected the post should be permanently and speedily abandoned.

Question 14. Estimate annual value of privilege conferred.

Answer. The State water commissioner reported to me about June 25, 1894, that the city was daily using 1,500,000 thousand gallons of water, a portion, say one-third, is obtained from water-works agreement which is located below the post, and near the city, and similar to the system at the post for securing drinking water.

Question 15. Should privilege be covered by former lease?

Answer. If the agreement is to be fulfilled by the city the permit should be covered by formal lease as per act of Congress approved July 28, 1892.

Question 16. Are voluntary contributions or donations made by any grantee occupying or using public lands?

Answer. No. I have caused the records of the post to be searched, and have had copies of all relating to water privilege made. These will show that the difficulty of obtaining from the city of Cheyenne the water agreed to be furnished, in lieu of that heretofore obtained from Crow Creek, has been constantly recurring, and that the right and opportunity of Fort D. A. Russell, Wyo., to obtain water from the ditch has been unfortunately obstructed by this agreement.

* * * * *

Very respectfully, your obedient servant,

C. H. GREENE,
Captain, Seventh Infantry, Commanding Post.

224]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
OFFICE OF THE CHIEF QUARTERMASTER,
Denver, Colo., December 3, 1902.

TO THE ADJUTANT GENERAL OF THE DEPARTMENT.

SIR: I have the honor to report that, in compliance with the oral directions of the department commander, I investigated the water supply of Fort D. A. Russell, Wyo., on the 24th and 25th ultimo, and, with the post commander, consulted with a representative of the city of Cheyenne.

As shown by the papers, copies of which were obtained from the office of the Adjutant General of this department, and for convenience accompany this report, the water supply of Fort D. A. Russell consists of such water as is obtained from the underground water flow of Crow Creek, adjacent to the post, and such rights as the post has to the general flow of Crow Creek, and, in particular, the water running in the ditch and pipe-line constructed across the reservation.

The rights of the post to the sources of supply other than the underground flow of Crow Creek seem to have been guaranteed to the post by some agreement with the city of Cheyenne, the binding force of which I am not able to decide, and, if the conclusions I have formed from the investigation made as stated are correct, the matter is unim-

portant. I would state, however, that I found no disposition whatever on the part of the city of Cheyenne to dispute the rights claimed by the post authorities; but, on the contrary, every desire and disposition to fulfill their agreement so far as it was physically possible to do. This is conclusively proved by the letter to Senator Warren, signed by the mayor and committee on water and sewerage of the city of Cheyenne, copy of which was furnished to me and is hereto attached.

I visited the dam and creek some 4 miles above the post of Fort D. A. Russell where the water is taken out to supply the ditch and lakes, of which mention is made in the within inclosed papers. There was an abundance of water in Crow Creek at this season, but as this is not the dry season, no fair conclusion could be drawn from such fact, except that any irrigation reservoir which might be constructed by the post could be easily filled during the fall and winter seasons for summer use, and might also supply all the ice that would be required for the post. The question of ice supply will be taken up hereinafter.

The most important question that pertains to the water supply of the post is whether there is sufficient water in the underground flow of Crow Creek to furnish all the water required for use of Fort D. A. Russell.

The amount of water required for purposes other than irrigation is, as I understand from the papers herewith (p. 3), 90,000 gallons per day. The amount obtained by the city of Cheyenne by the same means of supply and below the post, in the bed of Crow Creek, is not less than 400,000 gallons, and there is not, and could not be, any question as to the right of the post to appropriate all that it needs of this water supply. I presume that the most ample supply of water which the post of Fort D. A. Russell, with all prospective enlargement, could reasonably claim to require would be 200,000 gallons, or somewhat more than double its present needs, for domestic purposes. If in the future there should unexpectedly develop need for a greater supply for irrigating purposes, this need could be undoubtedly supplied by a reservoir fed from Crow Creek or from the ditch running across the reservation as the lakes on the reservation are now supplied during the fall, winter, and spring.

I visited the waterworks of the city of Cheyenne, and I can not see how there could be any doubt, after an examination of the water supply there, obtained in Crow Creek bed below the reservation, that the amount of water claimed to be secured is actually obtained or that the post could secure an equal amount.

I am forced to conclude from my investigation:

1. That there is an ample water supply available for use of Fort D. A. Russell, if proper means are taken to obtain it.
2. That the right of the post to the water of the ditch and pipe line running through the reservation and to the water guaranteed the post by the city of Cheyenne have never been disputed by anyone authorized to do so, and that there has been a misapprehension of the attitude of the city on the part of the post authorities.
3. That any action taken to delay work on new construction is, now that the misapprehension is cleared up, unnecessary.

While there is undoubtedly, in my opinion, an ample supply of water available from various sources, particularly from the underground galleries, such as the city of Cheyenne has constructed, there is no more doubt that the present system of water supply is entirely insufficient and that measures should be promptly taken to obtain a better supply from properly constructed waterworks, and it is not believed that any great expenditure would be required to accomplish this. However, before any further work is done, I am strongly of the opinion that an expert should make a thorough examination and report, with plans and estimate, a complete scheme for enlarging and perfecting the water system at Fort D. A. Russell. The underground dam and arrangement by which water is now taken from the bed of Crow Creek is very defective and should be reenforced or replaced by underground galleries of brick similar to those of the city of Cheyenne. Two such galleries extending from the sides of the creek bed and slanting downward toward the present reservoir with a porous pipe to convey the water to the reservoir would probably double the present supply. It is probable that this would be all the work necessary for the present and that additional galleries would obtain almost double the quantity again. I am informed that the city of Cheyenne found this to be the effect of doubling galleries.

I therefore recommended that this report be forwarded to the Quartermaster General with recommendation that I be authorized to accept the proper bids now held in abeyance for the construction of new barracks and quarters at Fort D. A. Russell, and that an expert be sent to make an examination and report, accompanied by plans and estimates, for the perfection of the water supply at that post.

As I understand that the chief surgeon has investigated and reported upon this water question at Fort D. A. Russell, I recommend that this report be referred to him for remark and to have attached to these papers his report upon the same subject.

While the question of ice supply at Fort D. A. Russell may not be strictly pertinent to the necessary water supply, as the endangering of the ice supply seems to have originated the discussion of the water supply (see p. 3), I have taken up this question also. It does not appear in these papers that the post has ever been interfered with in taking ice from the lakes formerly on the reservation, but it is claimed that the ice supply has been endangered by the city of Cheyenne drawing off water from the lakes to add to their water supply during a season of extreme drought. It occurred to me that the matter might be amicably settled by an agreement on the part of the city of Cheyenne not to interfere with the practice of the post in taking ice from the lakes in the future as in the past, this to be an addition to the agreement which is now in force or exists between the War Department and the city of Cheyenne. I invite attention to my letter to the mayor of that city and the reply for such action as the higher authorities may decide to take. Further reply from the authorities of the city of Cheyenne will be forwarded when received, but it is not thought necessary to delay this report until the same is received.

I have said nothing about the right of the post to the lakes, as the attached papers show conclusively that these lakes are no longer on the reservation, and are, therefore, not under the control of the post. I should add, however, that the explanation given by the representative of the city as to how these lakes were obtained satisfied me that there was nothing unusual in the proceedings, as would seem to have been thought (see p. 10), and these papers show that the ground over which they extend was duly obtained by act of Congress and by being located as approved by the honorable Secretary of War.

As it is further shown (pp. 27, 28) that the provision being made by the city of Cheyenne by means of a new reservoir will insure the necessary water in the lakes, and if the said city is willing to guarantee the right to cut ice by the post, it seems to me that everything that could reasonably be required by the post may be amicably and satisfactorily settled.

Respectfully,

J. W. POPE,
*Lieutenant Colonel and Depot Quartermaster General,
United States Army, Chief Quartermaster.*

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
ADJUTANT GENERAL'S OFFICE,
Denver, Colo., December 4, 1902.

To chief surgeon.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
CHIEF SURGEON'S OFFICE,
Denver, Colo., December 4, 1902.

Respectfully returned to the adjutant general of the department accompanied by copy of report on subject of water supply from Fort D. A. Russell, Wyo., made by me August 21-23, 1902, in which I recommended the construction of a system of galleries to impound the underground water flow of Crow Creek, and which would, if carried out as described, in my opinion furnish all the water required for all purposes for this post, entirely derived from sources on the military reservation, and enabling the Government to be completely independent of the city of Cheyenne or of any other outside source of supply of water.

EDWARD B. MOSELEY,
*Lieutenant Colonel and Department Surgeon General,
United States Army, Chief Surgeon.*

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., December 5, 1902.

Respectfully forwarded to The Adjutant General of the Army, requesting transmittal to the Quartermaster General.

The plan herein outlined for the development of the water supply at Fort D. A. Russell, Wyo., seems entirely practicable, and was originally recommended by Lieut. Col. E. B. Moseley, chief surgeon of the department, as early as last August. His report was forwarded from this office to The Adjutant General, United States Army, on September 17, 1902. The recommendation of the chief quartermaster that the construction of authorized buildings be no longer delayed is concurred in.

FREDERICK FUNSTON,
Brigadier General, Commanding.

[Fourth indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, D. C., December 12, 1902.

Respectfully transmitted to the Quartermaster General, United States Army.
By order of the Secretary of War.

J. PARKER,
Major of Cavalry, Assistant Adjutant General.

224 a]

Report of a medical inspection at Fort D. A. Russell, Wyo., made August 21, 22, and 23, 1902, by Lieut. Col. Edward B. Moseley, deputy surgeon general, United States Army, chief surgeon Department of the Colorado.

[Extract.]

WATER SUPPLY.

The water supply of this post is derived from the underground flow in the valley of Crow Creek which passes through the post, not in my opinion connected in any way with the water running on the surface in the creek, but belonging to a distinct underground flow coming from the mountains and entirely independent from surface conditions at or near the post. The method of obtaining this water was by digging across the valley down to what was considered bedrock and building a rock and cement wall from that up to near the surface and extending at each end to a rise in the banks of the valley, thus theoretically checking or interrupting the underground flow. A short distance upstream from this wall a so-called reservoir, circular in shape and 80 feet in diameter, was dug, surrounded by a wall of stone so laid that intervals exist between the stones for the ingress of water all around the lower part of the reservoir. Above a point supposed to be the permanent level of underground water the wall is solidly cemented to prevent the ingress of surface water from the creek or through the gravel surrounding the reservoir. The water flows freely through the lower open part of the wall and accumulates in the reservoir, from which it is pumped through proper connections by a steam pump on the bank above the valley, and then into a large receiving tank, from whence it is distributed through proper mains to all parts of the post. The water pressure is not sufficient to carry water into the upper parts of the new buildings in the post, and the fire pressure is also insufficient. This difficulty will be remedied by the erection of a standpipe near the tank, into which water will be raised by the pump, and sufficient pressure for all purposes thus obtained. The erection of this standpipe has been authorized and work has been commenced. I am apprehensive that the water pump now in use will prove insufficient in power to raise water to the top of this standpipe, and if it is, a part of the advantage expected will not be realized.

In this connection attention is called to the risk of leaving this very large post at the mercy of one steam pump and boiler. A bad break in this machinery would necessitate an immediate removal of all that portion of the garrison that could not be supplied by water transported in water wagons, and, still worse, a fire under these circumstances might destroy the greater part of the post. I strongly recommend that the pumping outfit be duplicated, but with a decided increase in the size of both boiler and pump. As the brick smokestack at the pump house is so much out of line that it may fall and destroy the pump soon, the improvement might with advantage be made soon.

An irrigating ditch heading several miles up the stream is in existence and has always been used to bring water for irrigating into the post. No such water has been provided for a long time, and the trees and vegetation show marks of injury from the want of water. In my opinion the water supply from the so-called reservoir, which in fact is nothing but a very large well, will not be sufficient for the supply of this post when the increase to 15 organizations now contemplated is made. The amount of water left in the distributing tank toward morning is particularly small when the question of fire is taken into consideration. It does not seem to be possible to increase it as things are at present, as the water in the reservoir (well) runs out if the pump is run continuously. I believe that this deficiency can be remedied to a considerable extent by increasing the underground reservoir (well) capacity, so that a greater surface is produced for the impounding and holding of the underground water flow, which I do not believe can be done by the present well. I believe that by

constructing two underground wing water tunnels, one on each side of the present 80-foot well, a great increase in the quantity of water which could be pumped would be made. These two underground tunnels should be about 100 feet above the present well, extending right and left and inclining slightly upstream at the outer ends. They should be made by means of open cuts down to the level of the bottom of the present well; they should be walled up with open brickwork, in the lower portion, to admit the inflow of the permanent water stream, and the upper part of the sides and the top, which should be arched over, should be thoroughly cemented inside and out to prevent the ingress of surface water. The top of the arch should be about 4 feet below the surface and completely covered in with gravel from the creek bed when finished. The tunnels need not be more than 5 feet internal width when finished. The bottoms should not be cemented. These tunnels should not be carried across the present creek bed, but should be connected with the present reservoir (well) by proper sized tile pipes so that the water accumulating in them would flow into the present reservoir, and from there be pumped by the existing plant. Owing to the low water in the creek from the long-continued drought, and the actual sinking of the permanent underground water at the present time, it would be a particularly favorable occasion to accomplish this work, as the mechanical difficulties will be much less than when heavy rains have been falling for some time. As all this work can be done by open cuttings from the surface, the expense for labor would be small, and that for material very moderate, being for brick, cement and tile piping mostly, with a few incidentals.

As the matter of sufficient water supply for this post is very serious, I would strongly recommend that this plan be thoroughly investigated and carried out. If successful at the point indicated, I believe that the same method of underground tunneling for water can be carried out at other points upstream on the Government reservation successfully, and thus all the water necessary for a very large post can be produced and kept absolutely in the control of the military authorities.

* * * * *

EDWARD B. MOSELEY,
Lieutenant Colonel, Deputy Surgeon General, U. S. Army,
Chief Surgeon.

CHIEF SURGEON'S OFFICE,
HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., Nov. 26, 1902.

A true extract copy.

EDWARD B. MOSELEY,
Lieutenant Colonel and Deputy Surgeon General, U. S. Army,
Chief Surgeon.

224 b.]

FORT D. A. RUSSELL, WYO., July 2, 1902.

The ADJUTANT GENERAL,
Department Colorado, Denver, Colo.

SIR: I have the honor to inclose herewith a statement (A) of the quartermaster at this post and also letters ("B" and "C") of the former commanding officers bearing on the water supply at this post and to request that steps be taken by the proper authority to protect the rights of the Government in this matter.

The case has been fully represented by me to the authorities of Cheyenne, but they do not recognize the right of the Government to the Arnold ditch nor to the lakes on the northeast corner of the reservation. They claim that ground comprising these lakes was deeded to the city of Cheyenne, but no record of the same can be found at the post.

The city authorities state that at times they will permit the Government use of the water in question, but this merely subjects the Government to the wishes of the city authorities, and whenever there is a scarcity of water the post suffers.

This matter is apparently an old question which has never been settled. A careful search of the post records fails to discover the agreement made December 2, 1884, referred to in letter marked "B," nor to any replies to inclosed letters ("B" and "C").

It is respectfully submitted that this matter should be definitely settled, especially if this post is to be permanent and enlarged, as without the right to this water the post ice supply, post gardens, the trees, shrubbery, and lawns depend merely on the charity of the city of Cheyenne.

By act of Congress approved March 2, 1895, the Secretary of War was authorized to transfer to the State of Wyoming 160 acres of the Fort D. A. Russell Military Reser-

vation for certain purposes. There is no record at this post to show what portion, if any, of the reservation has been thus transferred. If it is a fact that no part of the reservation has yet been transferred under this grant, I would request to be heard in the matter before a transfer is made of that portion of the reservation comprising the lake.

A copy of the only map of the reservation we have here is inclosed.

Very respectfully,

J. M. J. SANNO,
Colonel Eighteenth Infantry, Commanding.

(Then follows a copy of letter of Lieut. Harris Pendleton, Eighteenth Infantry, quartermaster, Fort D. A. Russell, dated June 27, 1902. This is the same as paper No. 214 h.)

OFFICE OF THE QUARTERMASTER,
Fort D. A. Russell, Wyo., June 24, 1902.

The ADJUTANT,
Fort D. A. Russell, Wyo.

SIR: I have the honor to submit to the commanding officer the following information concerning the water supply of the post:

I am informed by Mr. W. D. Pease, State water commissioner, district No. 1, division No. 1, that the National Government holds no water of any nature whatsoever at this post; that no water claim has ever been filed in behalf of the Government and for this reason he can take no official action in reply to a request for water, the only parties having a legal right to call upon him as water commissioner for water being those parties who hold water rights.

I am also informed that it is the intention of the city of Cheyenne to voluntarily supply the post with water so far as the supply will permit. That owing to the present dry season the supply is limited, and that unless rain falls before the end of July the city will be compelled to use water from the lakes, and in such an event the post will be unprovided for.

Mr. Pease states that the parties drawing water from the ditch above the post for the purpose of irrigation are holders of water claims and are within their legal rights in so doing.

Very respectfully,

HARRIS PENDLETON, Jr.,
First Lieutenant, Eighteenth Infantry, Quartermaster.

True copy.

WM. B. BAKER,
*Second Lieutenant, Eighteenth Infantry,
Battalion Quartermaster and Commissary.*

OFFICE OF THE QUARTERMASTER,
Fort D. A. Russell, Wyo., June 25, 1902.

The ADJUTANT,
Fort D. A. Russell, Wyo.

SIR: I have the honor to inform the commanding officer concerning the two lakes located on the Government reservation near the Iron Mountain road, one of which is known as Lake Absaraca.

The small lake above the cemetery is at the present time about half full of water. This lake is supplied by an open ditch from the dam on Crow Creek across the Government reservation. This ditch is at the present time dry.

From the small lake above mentioned a tile pipe line has been constructed leading to Lake Absaraca, thus permitting the small lake to act as feeder to the larger one. Lake Absaraca at the present time is very near full of water. From this lake an open ditch runs east off of the Government land and under the Iron Mountain road. There is also a pipe line running in the same direction.

These two lines conduct the water from the lakes on the Government land to Lake Maphealuta on the further side of the Iron Mountain road and off the Government reservation.

There is a pipe line running from the city waterworks on Crow Creek across the Government reservation running about due east. This pipe is the main supply line to the city of Cheyenne. The surplus water which can not be carried by this pipe is conducted through the open ditch before mentioned into the small lake near the cemetery and from there to Lake Absaraca, where it is stored, to serve as a reserve in the event of there being an insufficient amount of water in Crow Creek for the city of Cheyenne.

There is no record in this office of any right of way having been granted to cross the reservation with a pipe line or to use the same as a reservoir.

Very respectfully,

HARRIS PENDLETON,
First Lieutenant, Eighteenth Infantry, Quartermaster.

True copy.

WM. B. BAKER,
*Second Lieutenant, Eighteenth Infantry,
Battalion Quartermaster and Commissary.*

(Then follow a copy of a letter of Capt. C. H. Greene, Seventeenth Infantry, commanding Fort D. A. Russell, dated July 14, 1894, which is the same as paper No. 214 f; copy of a letter of Capt. C. H. Greene, Seventeenth Infantry, commanding Fort D. A. Russell, which is the same as paper No. 214 g; copy of letter of Capt. Delamere Skerrett, acting judge advocate, Department of the Colorado, dated July 8, 1902, which is the same as paper No. 214 e; copy of agreement between the city of Cheyenne and Col. John S. Mason, Ninth Infantry, representing the United States, dated December 2, 1884, which is the same as paper No. 214 b; and extract of proceedings of city council, dated November 15, 1884, which is the same as paper No. 214 c.)

HEADQUARTERS DEPARTMENT OF THE COLORADO,
ADJUTANT GENERAL'S OFFICE,
Denver, Colo., July 9, 1902.

THE COMMANDING OFFICER,
Fort D. A. Russell, Wyo.

SIR: I have the honor to inclose herewith for your information a copy of opinion by the acting judge advocate of the department on the inquiry recently submitted by you regarding the water supply of Fort D. A. Russell. The papers have been transmitted to the commanding general, Department of the Missouri, with request for copies of agreement and such other information as he may have bearing on the matter. Meanwhile it is suggested that you might call on the Cheyenne authorities to show by what right they maintain their system of pipes upon and over the military reservation, reporting your action and the reply received to this office. The whole question, with data obtained from headquarters Department of the Missouri, will then be forwarded to Washington for the information and action of the War Department.

Very respectfully,

A. C. SHARPE,
Major of Infantry, Adjutant General.

Letter of Capt. Skerrett's inclosed.

FORT D. A. RUSSELL, WYO., July 22, 1902.

THE ADJUTANT GENERAL,
Department of the Colorado, Denver, Colo.

SIR: I have the honor to inclose herewith copy of letter sent to the mayor and city council in regard to water rights in compliance with letter from your office dated July 9, 1902.

Up to the present time no reply has been received to this communication.

Very respectfully,

J. M. J. SANNO,
Colonel Eighteenth Infantry, Commanding.

FORT D. A. RUSSELL, WYO., July 10, 1902.

THE MAYOR AND CITY COUNCIL,
Cheyenne, Wyo.

GENTLEMEN: I have been advised by higher authority to ask you to show by what right the city of Cheyenne maintains a ditch and pipe line across this military reservation, and also to request you to show cause why the same should not be removed.

The favor of a prompt reply is requested.

Very respectfully,

J. M. J. SANNO,
Colonel Eighteenth Infantry, Commanding.

A true copy.

M. McFARLAND,*
Captain and Adjutant, Eighteenth Infantry.

(Then follows a copy of letter of Brig. Gen. Frederick Funston, commanding Department of the Colorado, dated August 25, 1902, which is the same as paper No. 214.)

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, October 4, 1902.

TO THE ADJUTANT GENERAL.

SIR: It seems that prior to 1884 the post of Fort D. A. Russell, Wyo., "acquired the right of what is known as the 'Arnold Ditch,' which takes water from Crow Creek, about 2½ miles above the post and brings it into the garrison. The post maintained the dam and the ditch." The water obtained from this ditch was used for irrigation purposes, while the domestic needs of the post were supplied then, as now, by means of wells or basins sunk near the bed of the creek where it flows through the reservation. The city of Cheyenne also obtained its water supply from Crow Creek by means of pipes, ditches, and reservoirs located partly on the reservation. It does not appear when or by what authority the city built these pipes, etc., upon the reservation, but it seems that they were there prior to September 7, 1884, for the post commander reported under that date that "the city of Cheyenne has built a dam above and beyond the reservation and by a large pipe running part of the way through the reservation conveys the water for the use of the city to a series of lakes or ponds, forming a reservoir from which the city receives its supply. The upper pond, which first receives the water, is found * * * to be partly (within) the limits of the reservation."

Under date of October 24, 1884, the post commander requested the mayor of Cheyenne to furnish information as to the authority of the city to cross the reservation with its pipes, etc. His reply is not with these papers, but under date of October 28, 1884, the post commander said that "the mayor of Cheyenne states that authority was obtained from the War Department. All I can learn from conversation with different persons is that a ditch was first made by the consent of the post commander. The parties making the ditch agreeing to supply the post with all the water needed. Subsequently the city of Cheyenne obtained the rights of the first company of private citizens and, as the mayor states, laid pipes to take place of the ditch."

Under this state of facts the post commander and city entered, on December 2, 1884, into an agreement, by the terms of which the city obtained the right to maintain its existing pipes, ditches, and reservoirs on the reservation, and also the right to draw water from Crow Creek by means of dams, ditches, and pipes at a point where the post theretofore had obtained water from the creek by means of its ditch. In consideration of these privileges the city agreed to supply the post, free of charge, with as much water as may be necessary for the use and benefit of the duly authorized occupants of the reservation, provided the water could be conveyed to the post from the city's pipes and reservoirs by natural flow or force of gravity. In case artificial pressure was found to be necessary the post was to pay the cost of the service. This agreement was approved by the Secretary of War, but has not been a continuous success from the standpoint of the post authorities, who have complained to the department more than once that the city was not fulfilling its part of the agreement. It seems to have been the intention of the post commander, at the time of entering into the agreement, to bind the city to furnish to the occupants of the reservation all the water they might need for both domestic and irrigation purposes. The agreement, which is poorly expressed and inartificially drawn, provides that the water shall be furnished "in such quantity as may be necessary for the use and benefit of the duly authorized occupants." It is doubtful if this language taken alone could be held to cover anything except water for domestic purposes. It seems, however, that the post authorities still continued to obtain their water for domestic purposes from the wells before mentioned, and that all the water taken by them from the city's pipes or ditches has been used for irrigation purposes. The amount thus obtained has not been sufficient for even this purpose.

Under date of July 2, 1902, the post commander stated that "the case has been fully represented by me to the authorities of Cheyenne, but they do not recognize the right of the Government to the Arnold ditch nor to the lakes on the northeast corner of the reservation. They claim that the ground comprising these lakes was deeded to the city of Cheyenne, but no record of the same can be found at the post."

Under date of May 23, 1898, the Secretary of War by the authority of an act of Congress approved March 2, 1895 (28 Stats., 946), set apart 160 acres of land within the limits of the reservation for the use of the State of Wyoming for agricultural fair and industrial exposition grounds, said act providing that the land so set apart should pass to the State. The lands thus passed to the State include the lakes or reservoirs which the city of Cheyenne was maintaining on the reservation, and they are, therefore, no longer subject to the jurisdiction of this department.

The department commander recommends that no improvements other than the most necessary repairs be made at the post until the question of water rights is definitely settled, and requests instruction as to what action, if any, he can take to test the right of the city to appropriate the water from Crow Creek which formerly belonged to the post.

Judging from these papers, I think it doubtful whether the United States can at this time show such a prior appropriation of the waters of Crow Creek for irrigation purposes as will defeat the right of the city to divert the same for its necessary purposes; and the agreement of December 2, 1884, does not expressly bind the city to furnish water for irrigation purposes. It is understood that the post is now, and has been all along, obtaining from its basins and wells sufficient water for domestic purposes, and has only asked the city to furnish, under said agreement, sufficient water for irrigation purposes. Although the language of this agreement is not clear as to this point, yet in view of the construction placed upon it by the parties at the time and subsequently, whenever water was furnished under it, I am of the opinion that the department should take the position that the city is under the obligation to furnish water for irrigation purposes. Whatever may be the rights of the United States under the contract, it seems clear that the right of the city to maintain its pipe line on the reservation rests upon said agreement. I recommend that the city be informed that unless it will furnish the water and enter into another contract specifically binding itself to furnish the United States, free of charge, the necessary water for irrigation purposes, the agreement of December 2, 1884, will be annulled by the War Department on account of the failure of the city to perform its agreement, and in that event its pipe line must be removed. If the city agrees to enter into such a contract, a clause might be inserted authorizing the Government to remove the pipe line after 30 days' notice, in case the city fails to keep its part of the contract.

Some of the facts stated in this report do not seem to have been known to the post commander on July 2, 1902, when he reported on the matter, and before the recommendation made in the preceding paragraph is carried into execution, I suggest that all the papers, together with my remarks, be returned to him for any further suggestion he may desire to make.

In a communication dated July 27, 1902, from the post quartermaster to the post adjutant, Fort D. A. Russell, it is stated that—

"About 3 miles above the post the city of Cheyenne has constructed a system of galleries, dams, and ditches, etc., by means of which the water is piped into the city. The pipe line conducting this water crosses the Government reservation. To provide a reserve supply, an open ditch has been run from the dam in the same general direction as the pipe line referred to to a series of artificial lakes near the city, in which water is stored for use in the event of the supply failing. These lakes, one of which is entirely and one in part located on Government land, are connected by means of open ditches and tile pipe line, thus enabling the city to draw on them as water is required."

From what is here said it is assumed that the pipe line referred to and through which the city receives its usual and normal water supply is not connected with and does not, in any measure, feed the artificial lakes in which was accumulated the reserve supply, and did not so feed them on May 23, 1898, when that portion of the reservation upon which said lakes were in part located was conveyed, under authority of an act of Congress, approved March 8, 1895, to the State of Wyoming for agricultural fair and industrial exposition grounds, and for other purposes; that therefore it can not be urged that said pipe line, as an existing appropriation feeding said lakes, passed as appurtenant to the land conveyed. Upon this point the facts are not quite clear and specific information is requested with the return of these papers.

Very respectfully,

GEO. B. DAVIS,
Judge Advocate General.

[Fourth indorsement.]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, October 11, 1902.

Respectfully returned to the commanding general, Department of the Colorado, Denver, Colo., with reference to the accompanying communication from the Judge Advocate General, and for return to the commanding officer at Fort D. A. Russell, for further suggestion as recommended on page 6 of the Judge Advocate General's report. These papers to be returned.

By order of the Secretary of War.

WILLIAM ENNIS,
Lieutenant Colonel Artillery Corps,
Assistant Adjutant General.

[Fifth indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., October 21, 1902.

Respectfully returned to the commanding officer, Fort D. A. Russell, Wyo., for purpose indicated in the last part of the preceding (fourth) indorsement. These papers to be returned to this office.

By command of Brig. Gen. Funston.

A. C. SHARPE,
Major of Infantry, Adjutant General.

[Sixth indorsement.]

FORT D. A. RUSSELL, WYO., *November 7, 1902.*

Respectfully returned to The Adjutant General, United States Army (through headquarters Department of the Colorado).

The assumption of the Judge Advocate General noted on page 6 of his communication, as to the pipe line referred to, is correct, with this exception: That there is an overflow tile pipe from a point on the pipe line near the small lake leading to this lake, as now indicated on map ("H") submitted herewith. This overflow pipe connects with the pipe line near the point "O" on the map and was probably originally intended for the purpose of draining the pipe line. There is no knowledge at hand of its having been used as a supply line prior to July 2, 1902, but it has been so used since that date.

The city authorities of Cheyenne stated in an interview on this subject at the time my report of July 2, 1902, was forwarded to headquarters, Department of the Colorado, that when there was surplus water at the dam, the open lakes and open ditch referred to constituted their means of storing reservoir water.

The pipe line and ditch "O" have been entered on the map by me since return of these papers.

J. M. J. SANNO,
Colonel Eighteenth Infantry, Commanding.

[Seventh indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., November 8, 1902.

Respectfully returned to The Adjutant General, United States Army, Washington, D. C., inviting attention to the preceding (sixth) indorsement.

A. C. SHARPE,
Major of Infantry, Assistant Adjutant General
 (In absence of the Department Commander).

WASHINGTON, D. C., *November 11, 1902.*

CHIEF QUARTERMASTER, *Denver, Colo.:*

Reference your telegram to-day relative location buildings Fort Russell, approval this office, mailed to you 6th instant. Award contracts for constructing artillery buildings awaiting action War Department on controversy with city Cheyenne relative water supply.

LUDINGTON, *Quartermaster General.*

NOVEMBER 22, 1902.

HON. F. E. WARREN,

United States Senator for Wyoming, Cheyenne, Wyo.

DEAR SENATOR: Answering your inquiry of late date, will say I am both surprised and pained by the fact that the water situation concerning the city of Cheyenne and Fort Russell should be misunderstood.

Last summer was perhaps the driest one we have had here for 30 years; but even at that, there was really water enough to supply the city and post for all domestic and irrigation purposes, had the situation been understood, had proper arrangements been made, and had the water been conserved and properly used, as is done in all well-conducted irrigating localities.

About the time of the commencement of the Spanish War, Fort Russell was almost depopulated. At times there was only a guard at the post; at other times there would be a troop of Cavalry, or a company of Infantry; each one of such troops or companies understood that its occupation would be but for a brief period, and, in fact, changes were quite frequently made. As a consequence, the improvements at the post, the keeping up of lawns, and the care of the trees which had formerly prevailed were practically discontinued. The system of irrigation, always imperfect, was made

worse by the cutting out, and consequent deepening, of the ditches; trees had been allowed to die and decay; but at no time during this period, until this last summer, was there any complaint made, or any cause for complaint, on account of insufficient water supply, the city regretting, in the meantime, that the water was not being used, and that the post was not being properly kept up.

During this last spring, although a large number of trees were set out, the ditches were not repaired or re-formed, and consequently in many places the trees were on high ground, a number of feet away from the ditch, while the bottom of the ditch, where the water took its course, was not only far away from but far beneath the tree and therefore no beneficial effects were afforded.

During the drought of the summer, the surface flow of Crow Creek, like the surface flow of all like streams in this country ceased for a few days, although there was a great deal of water flowing through the sand, which could be taken out with the proper galleries, such as the city has been using, and such as it will use even to a greater extent hereafter.

It seems that the commander of the post, Col. Sanno, had some altercation or colloquy with Mr. W. D. Pease, a district water commissioner, in which he demanded that there should be a constant and copious flow in the open irrigating ditches of the post, although no complaint was made to the city, and no inquiry was made of the city by the commander of the post until July 10, 1902, when a letter was received, which reads as follows:

FORT D. A. RUSSELL, WYO., *July 10, 1902.*

THE MAYOR AND CITY COUNCIL, *Cheyenne, Wyo.*

GENTLEMEN: I have been advised by higher authority to ask you to show by what right the city of Cheyenne maintains a ditch and pipe line across this military reservation, and also to request you to show cause why the same should not be removed.

The favor of a prompt reply is requested.

Very respectfully,

J. M. J. SANNO,

Colonel Eighteenth Infantry, Comdg.

In answer to this letter I drove out to the post, accompanied by Hon. M. P. Keefe, chairman of the water committee. I explained to the Colonel that the water at that particular time was very low; that the city was engaged in enlarging and perfecting its system of supplying water, but that with a reasonable and economical use of water at both post and city we could get through the season without difficulty. I suggested to Col. Sanno that he have his irrigating performed in the same way as it is done in the city of Cheyenne and in all other Wyoming towns and villages which have gardens, lawns, and trees; not to rely upon open ditches, far removed from the trees or the crops to be irrigated, but to take water in pipes or hose from the nearest hydrant and conduct it more directly by means of small surface ditches running along immediately by and immediately around the trees—the grade of the post being such that a natural flow from the upper or northwestern corner of the post around each side and to the lower or southeastern corner would result.

Col. Sanno seemed at the time to be satisfied, and the city has heard no further complaint from the authorities at the post.

Since you, yourself, Senator Warren, as a member of the city council, moved the adoption of a contract, about 1884, with the authorities of the post, and since you have been familiar with the whole subject since the post was built in 1867, I may state that there is no disposition on the part of the city to evade its obligation; but under the old contract there was only gravity pressure, which did not satisfy the post, as it desired to have fire pressure and also pressure which would fill its tanks with storage water. The Government erected a small pumping plant and catch basin or well in the bed of Crow Creek, which flows through the post, and from this it has pumped to two tanks, one for garden irrigation and the other for fire and domestic purposes. These tanks are small, and of course much too small for even the old post, though the water supply is believed to be more than sufficient for every possible use that the post could have for water, domestic, fire, irrigation purposes, gardens, trees, etc., if the pumping works and galleries in Crow Creek were of sufficient capacity. The city can not furnish pressure to fill the tanks and pipes of the post so that it may have fire pressure or storage-tank facilities, unless a pipe is laid from the city all the way back to the post. The post being much higher than Cheyenne, and higher than the city's storage basins and lakes, the only two ways that the city itself could furnish the post are:

1. By tapping its terra cotta main, which comes across the reservation, and delivering a flow on the level with the post; or

2. By sending back a stream of water from the city's pumping operatives.

On the other hand, the post can take, from its own and under its own rights, all the water that is necessary, as above stated.

If the city were to furnish the post, by contract or otherwise, with water and under a pressure, and in tanks for storage, it would probably be cheaper for the city to build pumping works and galleries opposite the post than to pipe back to the post from the city's mains.

As to the supply flowing through and by the post in the bed of Crow Creek, the best proof that there is an abundance of water there is found in the fact that the city of Cheyenne takes from one-fourth to three-fourths of its whole supply (quantity differing at different times of the year) from the bed of the stream below the United States Military Reservation; and there was no day during the extreme drought of last summer when the city did not take, from a point in Crow Creek below the post, and below the reservation, upward of 400,000 gallons.

The city authorities do not question the right of the United States Government to have sufficient water for Fort D. A. Russell; is desirous that it take the quantity needed; and wishes to assist in any way possible in procuring and protecting a full water supply for Fort Russell, no matter how large it may be made.

At the present date the city is engaged in the construction of a reservoir made of walls of granite, in Crow Creek, above the reservation, which will cost the city from ninety to one hundred ten thousand dollars, completed, and which, when filled, will contain enough water to supply the city and post together for five years or more, from the storage water alone.

Shortage of water occurs only through, say, July and August, and only in the dry years at that; so it takes but a moment's computation to show how secure will be both post and city with this great body of water with a full supply for, say, 60 months, from which need only be drawn water enough to reinforce the supply for two, or in no case more than three, months of each year. In other words, the reservoir, once filled, would insure water for from 25 to 30 years. The reservoir will be filled every winter, or during fall, winter, and spring, from the surplus water in the stream not needed for domestic, irrigation, or other purposes. The money is all in the treasury, the contract is made, and the men are at work, and by the middle of next month the gate, which is at the bottom of the reservoir—so that it may be entirely emptied—will be in and the dam high enough to commence the storage of water; and work will proceed fast enough to impound all of the surplus water of the coming season. This water will not be diverted from Crow Creek; will not be reserved from its flow, except during the winter and fall time. With the above exceptions, there will always be the full natural flow of Crow Creek; and during any time or times of shortage, the gate will be raised, and a sufficient quantity will be drawn from the reservoir for all purposes.

The city of Cheyenne has no intention or disposition to question the rights, either riparian or priority, of Fort D. A. Russell to the water necessary for its uses, domestic, fire, and irrigation. The city does not seek to evade its obligation, but, as explained herein, the Government preferred to erect its pumping works in preference to taking water at gravity head from the city's pipes—and wisely so, in our opinion. The city's experts who have examined the supply of water in Crow Creek—the stream which flows through Fort Russell, and from which both post and city get their water—have all assured the city that not only was there water enough flowing through the reservation to supply whatever the Government may wish to take therefrom for all necessary uses, including irrigation, but that there would be sufficient left, for the city's supply or part supply taken from below the post would be continuously available; and therefore the city has built extensive reservoir and pumping plant one-half mile below the Government reservation, and is adding to the city's supply therefrom.

Returning again to the matter of reservoir: Crow Creek is a raging torrent at many times in the year, and is a steadily flowing, quite large stream, especially at the point where the reservoir is constructed, during fall, winter, and spring, so that the ability to fill the reservoir annually is beyond question. It may be barely possible that delays in work, or inexperience in handling, may retard the first filling of the reservoir this winter; but it would take unexpected accident, bad management, intense drought, and a combination of unexpected and unprecedented circumstances to make our supply short in the summer of 1903; but beyond that there is no possible chain of circumstances or happenings conceivable which will interfere.

Very respectfully, yours,

J. L. MURRY, *Mayor.*

We heartily concur.

M. P. KEEFE, *Chairman,*
J. E. VREELAND, *Member,*
FRANK RABON, *Member,*
Full Committee on Water and Sewage.
N. R. DAVIS, *President of Council.*

UNITED STATES SENATE,
COMMITTEE ON CLAIMS,
WASHINGTON.

CHEYENNE, WYO., November 25, 1902.

JAMES W. POPE,
Colonel and Quartermaster, United States Army,
Department of the Colorado, Denver, Colo.

MY DEAR COLONEL: Herewith I send you carbon copy of letter which I have received from the mayor of the city of Cheyenne, signed also by the full water committee and the president of the council.

* * * * *

Very sincerely, yours,

F. E. WARREN.

HEADQUARTERS DEPARTMENT OF THE COLORADO,
OFFICE OF THE CHIEF QUARTERMASTER,
Denver, Colo., November 29, 1902.

To the honorable MAYOR OF CHEYENNE, WYO.

SIR: In view of the fact that report from the post authorities of Fort D. A. Russell, Wyo., indicate a fear on their part that the right to secure a supply of ice for that post from the lake on the reservation, or once on the reservation, known as Lake Absaraca, from which the post has secured its supply of ice for many years, is endangered by the cession of the tract of land on which that lake stands to the city of Cheyenne by act of Congress and by location approved by the honorable Secretary of War, I have the honor to submit the following:

Without raising the question whether the undisputed right of the post to the water of the ditch supplying said lake, or the terms of the agreement of that post with the city of Cheyenne by which the former has obligated itself to supply the post with necessary water so far as it can be done by gravity, would entitle the post to the use of Lake Absaraca for the purposes of ice supply according to the custom of many years, I would be obliged if you would inform me whether your city would be willing, if desired by the proper military authorities, to enter into an agreement to guarantee that such use of Lake Absaraca shall not be interfered with in the future without due consent of the military authorities.

As I have been charged by the department commander to investigate the water supply at Fort D. A. Russell, I should like to have your answer to the above at as early a date as possible in order to include the same in my report.

Very respectfully,

J. W. POPE,
Lieutenant Colonel and Depot Quartermaster General,
United States Army.

THE CITY OF CHEYENNE,
OFFICE OF THE CITY ATTORNEY,
Cheyenne, Wyo., December 1, 1902.

Lieut. Col. J. W. POPE,
Depot Quartermaster General, United States Army,
Department of the Colorado, Denver, Colo.

SIR: Your letter of the 29th ultimo to Hon. J. L. Murray, mayor of the city of Cheyenne, Wyo., and which relates to the supply of ice for Fort D. A. Russell from Lake Absaraca, an artificial body of water near that post, has been referred by Mr. Murray to me, with a request that I write you at once and make a partial answer to your communication.

In compliance with the request of the mayor, I will say that there will be a regular meeting of the city council of the city of Cheyenne to-morrow evening, or December 2, 1902, at which time your letter will be presented to that body, and a request made that action be taken upon the matter presented by you, and I have no doubt that the council, either by ordinance or by resolution, will take such action as will be satisfactory to you and to the military authorities who have jurisdiction of the matter referred to.

After action is taken the city clerk will undoubtedly communicate with you and forward you a certified copy of the ordinance or resolution which may be adopted by the said council.

Very respectfully,

E. W. MANN,
City Attorney for the City of Cheyenne, Wyo.

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HEADQUARTERS DEPARTMENT OF THE COLORADO,
OFFICE OF THE CHIEF QUARTERMASTER,
Denver, Colo., December 6, 1902.

The ADJUTANT GENERAL, DEPARTMENT OF THE COLORADO.

SIR: Referring to my letter of December 3, 1902, inclosing papers regarding water supply of Fort D. A. Russell, Wyo., I have the honor to inclose herewith copies of letter of the city clerk of Cheyenne and ordinance passed by the council of said city on December 3, 1902, permitting the cutting of ice on Lake Absaraca by the military authorities of Fort D. A. Russell, and to request that the copies be attached to the papers filed with the above-mentioned letter as pages 33 and 34.

Respectfully,

J. W. POPE,
*Lieutenant Colonel and Depot Quartermaster General,
United States Army, Chief Quartermaster.*

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., December 8, 1902.

Respectfully forwarded to The Adjutant General of the Army, with request for file with papers on this subject, which were forwarded on the 5th instant.

FREDERICK FUNSTON,
Brigadier General, Commanding.

[Second indorsement.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, December 17, 1902.

Respectfully referred to the Quartermaster General, in connection with other papers on this subject referred to him on the 12th instant.

By order of the Secretary of War.

J. PARKER,
Major of Cavalry, Assistant Adjutant General.

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[No. 34.]

A BILL For an ordinance granting permission to the military authorities at Fort D. A. Russell to remove ice from Lake Absaraca for the use of said post.

The council of the city of Cheyenne does ordain.

SECTION 1. That permission is hereby granted to the military authorities of Fort D. A. Russell, in the State of Wyoming, to cut and remove ice for the use of said post from Lake Absaraca, formerly situated upon the military reservation of Fort D. A. Russell, in the State of Wyoming, but now upon land ceded to the city of Cheyenne by act of Congress, as long as said military post shall be occupied and garrisoned by soldiers of the United States.

SEC. 2. The mayor and city clerk of the city of Cheyenne are hereby authorized to enter into any contract which may be necessary or desirable for the purpose of carrying into effect the permission granted by section 1 of this ordinance.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.
Passed December 3, 1902.

Approved December 4, 1902.

Attest:
[SEAL.]

L. L. MURRAY, *Mayor.*

E. A. ABRY, *City Clerk.*

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No. 33.

THE CITY OF CHEYENNE,
OFFICE OF THE CITY CLERK,
Cheyenne, Wyo., December 5, 1902.

Lieut. Col. J. W. POPE,
Depot Quartermaster General, United States Army, Denver, Colo.

SIR: Referring to your letter of the 29th of November, 1902, to Mayor Murray, of this city, in regard to the use of Lake Absaraca for ice-cutting purposes for the benefit of Fort D. A. Russell, I have the honor to inform you that at a special meeting of the city council of this city, held on the 3d instant, an ordinance entitled "An ordinance granting permission to the military authorities at Fort D. A. Russell to remove ice

from Lake Absaraca for the use of said post," was introduced and passed for the purpose named above.

I respectfully beg to inclose a duplicate copy of said ordinance for your files and to state that I have this day mailed a triplicate copy of said ordinance to Col. J. M. J. Sanno, commanding officer in charge of said post, for his use.

Permit me to further state that in his letter to you in connection with this matter Mr. E. W. Mann, our city attorney, informs me that he advised you that the matter would be taken up at the regular meeting of the council, which was to have been held on the 2d instant. This meeting was not held, however, on account of the very inclement weather that evening, but the special meeting referred to above was held instead. I mention this in order to place Mr. Mann in the right light with you.

Very respectfully,

E. A. ABRY, *City Clerk.*

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FORT D. A. RUSSELL, WYO.,
December 17, 1902.

QUARTERMASTER GENERAL, *Washington, D. C.:*

The city council of Cheyenne last night passed an ordinance authorizing a contract confirming and guaranteeing all water rights hitherto enjoyed by Fort Russell and granting in addition a perpetual flow of 300,000 gallons per day from the source of the city water supply about 2½ miles above the post of Fort Russell. This affords a complete solution to the water question at Fort Russell for irrigation purposes. No reason exists why work of construction at this post should not proceed.

Pump house proposed for the post will be suitable and sufficient in case of construction of additional galleries or wells which I am satisfied will afford ample supply for domestic and fire purposes.

The post commander fully concurs in these views.

BAKER.

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FORT D. A. RUSSELL, WYO.,
December 17, 1902.

The ADJUTANT GENERAL, DEPARTMENT OF THE COLORADO,
Denver, Colo.

SIR: I have the honor to report that last evening the city council passed an ordinance authorizing a contract confirming and guaranteeing all water rights formerly enjoyed by Fort Russell and in addition grant a perpetual flow of 300,000 gallons of water per day from the source of the city water supply.

In my judgment, this solves the water question for irrigating purposes at this post.

Capt. C. B. Baker, quartermaster, having completed his investigation, leaves this evening for Jeffersonville Depot, Ind.

Very respectfully,

J. M. J. SANNO,
Colonel Eighteenth Infantry, Commanding Post.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
ADJUTANT GENERAL'S OFFICE,
Denver, Colo., December 18, 1902.

To chief quartermaster of the department to note and return.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
OFFICE OF CHIEF QUARTERMASTER,
Denver, Colo., December 20, 1902.

Respectfully returned to the adjutant general of the department, noted.

J. W. POPE,
Lieutenant Colonel and Depot Quartermaster General, United States Army,
Chief Quartermaster.

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., December 22, 1902.

Respectfully forwarded to The Adjutant General of the Army for the information of the honorable the Secretary of War in connection with other papers on this subject, forwarded December 5, 1902.

FREDERICK FUNSTON,
Brigadier General, Commanding.

[Fourth indorsement.]

WAR DEPARTMENT,
 THE ADJUTANT GENERAL'S OFFICE,
Washington, December 30, 1902.

Respectfully referred to the Quartermaster General United States Army, to whom previous papers on this subject were last referred on the 17th instant.

By order of the Secretary of War.

J. PARKER,
Major of Cavalry, Assistant Adjutant General.

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WAR DEPARTMENT,
 QUARTERMASTER GENERAL'S OFFICE,
Washington, December 30, 1902.

To the QUARTERMASTER GENERAL UNITED STATES ARMY,
Washington, D. C.

GENERAL: In pursuance to paragraph 3, Special Order No. 285, headquarters of the Army, Adjutant General's Office, Washington, D. C., dated December 5, 1902, I visited Fort D. A. Russell, Wyo., in accordance with your letter of instructions of December 6, 1902, and I have the honor to make the following report of my examination of the present water supply, as well as the most practicable method of securing a supply adequate for domestic and irrigation purposes, etc.

The present water supply of Fort D. A. Russell is furnished as follows:

A dam or subterranean wall about 4 feet high is laid across the bed of Crow Creek stream and extends to the bluffs on either side of the creek bottom. This dam or wall is 12 inches thick and extends for a distance of about 200 yards. The upstream face of this wall is flashed with cement. The object of this structure is to intercept the subterranean flow of water down the bed of Crow Creek. This wall is laid on a strata of firm, hard, bluish-white clay, generally called hardpan and locally sometimes called bedrock. This stratum is not, however, a true bedrock, but extends to a depth of several feet, and beneath it are to be found deposits of gravel, sand, and sandstone. This hardpan is of a coarse texture and is but partially impervious to water. The wall itself is constructed of brick and stone and laid in cement and, as before said, the upstream side is flashed with cement. The average depth of the base of this wall is about 8 feet below the surface of the earth. The trench which was dug to receive the wall herein described was some 2 feet wider than absolutely necessary to receive the wall, and the space on the upstream side of the wall was filled in with broken stone and coarse gravel. The wall herein described intercepts the passage of subterranean water down the channel of the stream, and the loose stone and gravel form a conduit for this water, leading it to a sunken circular cistern or well which is 96 feet 8 inches in diameter and 10 feet in depth. The walls of this well or cistern are constructed of stone laid with open joints, permitting the water to percolate into the cistern. This cistern is in turn connected with a second cistern or well by a 4-inch pipe. This second well is 35 feet in diameter and 10 feet in depth. From this second cistern the water is pumped into a receiving tank, and from this tank the water is conducted to the various parts of the "arrison for domestic and fire uses. The capacity of this tank is 35,000 gallons and has an elevation of 30 feet above the parade ground.

A new steel tank to supplement the one at present in use is now in process of construction. The capacity of this new tank is 60,000 gallons. The combined capacity of these two tanks will be when completed 95,000 gallons.

In addition to these two tanks described there is a third tank located in the vicinity of the gardens, with a capacity of 42,000 gallons. This tank is now connected with the domestic system and has hitherto been used as a supplementary source of water for irrigation purposes only. This tank has been filled only when there has been water to spare from the water system used for domestic purposes.

There are two shield pumps in use at the pumping station, the total capacity of which is 380,000 gallons for 24 hours. The pump house is in a bad state of repair, due to the giving way of the foundation of the stack, and I understand is about to be replaced by a new one.

The season of 1902, I was informed by everyone, was considered an exceptionally dry season at Fort Russell and in that vicinity. It would not seem, however, that the report of the United States Department of Agriculture showing the annual precipitation for the period extending back to 1871 would show any reason why this, the year of 1902, should have been exceptionally dry, inasmuch as the total period of 12 months shows a precipitation of 14.71 inches, whereas the minimum precipitation for the past 31 years, during which a record has been kept, was 5.4 inches in 1876. The mean precipitation for the period of 31 years was 13.10 inches. (See sheet marked "A" hereto attached.)

During the season of 1902 it was reported to me that the least daily domestic supply of water during the months of July and August was 45,000 gallons. The average daily supply during the months of July and August was 90,000 gallons. A considerable portion of this domestic supply, however, was used for irrigation purposes in consequence of the shortage of water for the purpose in the open ditches.

It is estimated that the needs of the present garrison for domestic supply of water is 65,000 gallons daily. The estimated amount required for one full regiment of Infantry and two batteries of Artillery is 135,000 gallons daily for domestic use only.

It will be seen that taking these figures the present facilities for supplying water during a year such as 1902 will fall some 45,000 gallons short of the estimated amount required during the months of July and August. This it is to be understood is independent of the supply required for irrigation.

This brings the subject to a point where it is believed to be desirable that an additional water supply be provided for Fort Russell for domestic purposes, in view of the plan to increase the present garrison to one full regiment of Infantry and two batteries of Artillery. For this purpose two methods are open.

First. The extension of the present system by means of constructing subterranean galleries essentially after the fashion of the subterranean wall already built. In this connection it should be pointed out that the amount of water intercepted by the wall hereinbefore described and conducted into the well of the domestic plant has, I am informed by the engineer in charge and others, gradually diminished from year to year. The cause for this can not be definitely determined, inasmuch as the precipitation in the watershed of Crow Creek would not account for this action, nor could it be accounted for by the fact that the city intercepts and conducts a large amount of subterranean water to its own plant above the post, inasmuch as the city has been doing this for years, and no recent change has been made in the methods of the city. The following, however, is submitted as a probable explanation of the circumstances:

The hardpan surface on which the wall was originally laid may have given way in some places, thereby resulting in breaks or cracks in the intercepting wall and permitting the water to flow through this wall; or it may be that the loose stone and gravel thrown into the open ditch above the wall may have become more or less clogged after a long period of use; or the result may be more or less due to a combination of these two effects. It is therefore recommended that a careful examination be made of the wall as to its conditions, etc., and also of the condition of the layer of broken stone and gravel which acts as a conduit, and incidentally as a filter. If the wall is broken and permits the passage of water, it should of course be repaired.

To improve the present conditions independently of the old system, except so far as to include the wells and pumping plant, it is believed that a site should be selected several hundred feet above the present wall and a similar wall built from this point to each bank of the stream, making an acute angle with the axis of the stream and extending across the creek bottom. A gallery should be constructed by running a second wall about 2 feet above and parallel to the first wall. This second wall should be constructed of loose stone, through which the water may percolate, and by following the lower wall it will be conducted to the apex of the angle between the two proposed walls. The roof of this gallery should not be impervious to water, and could be constructed of rough stone or half sewer pipe with open joints. From the point where this wall crosses the bed of the stream a gallery should be extended upstream several hundred feet, practically in the bed of the stream. This gallery should be of as loose joints as practicable. The only impervious portion of the trench should be the floor, which should be the hardpan or clay hitherto described.

From the apex of the galleries herein described a pipe line should be constructed, which may be of vitrified clay pipe, or a gallery may be used for this purpose, to convey the water collected to the cistern which collects the present post supply.

It is confidently believed that such an extension of the present water system would furnish an ample supply of water for the domestic use of the proposed post of one regiment of Infantry and two batteries of Artillery. It is furthermore believed that the extension and multiplication of the galleries herein described would result in a still further increase in the supply of water.

Second. The second plan for increasing the water supply at this post would be to sink wells through the hardpan forming the bottom of the stream to such depth until a water-bearing stratum of gravel, sandstone, or quicksand is reached. In the investigation of this case I found it impossible to get any reliable information as to the geological formation of the bed underlying the stream further than it is made up of drift, and the real bedrock has not been reached at this point. The most reliable information that I could gather consisted in the statement of a contractor, Mr. M. J. Keefe, who informed me that at the time of constructing the present water system for the city of Cheyenne he sunk a test hold 60 feet deep and passed through successive strata of gravel, clay, sandstone, and quicksand, in strata varying from 4 to 8 feet thick, ultimately striking quicksand, which stopped his work. All gravel, sand, sandstone, and quicksand were water-bearing strata. If the statement of Mr. Keefe is correct, it is my opinion that an ample supply of pure water should be found by boring or driving wells to no great depth, probably less than 100 feet, and before expending considerable sums in other methods it is recommended that the experiment of sinking a case well be tried, when, if successful, this well can be duplicated or multiplied in the creek bottom as many times as may be necessary to furnish an ample supply of water for domestic uses.

I am informed by those familiar with the circumstances that about 1872 an effort was made to sink an artesian well on the Fort Russell parade ground, and that a depth of 1,200 feet was gained without obtaining a flowing well. There is no record to be found at the post nor in the office of the Quartermaster General of this effort, but the records of that period are now stored in the depot at Philadelphia. It is believed that Col. Moore, retired, of the Quartermaster's Department was at that time in charge of the work.

REGARDING THE CONFLICT OF INTERESTS BETWEEN THE CITY OF CHEYENNE AND FORT RUSSELL.

This matter arose through a certain community of interest alleged to be held in the irrigating ditch which has hitherto been referred to in this paper as heading about 2½ miles above the post of Fort Russell at the site on Crow Creek where the city of Cheyenne now takes its water supply. The ditch in question appears to have been originally a private ditch which later came into the hands of the authorities of Fort Russell and was used by them for purposes of irrigation. The details and history of this transaction seem to be hazy and there is no record giving the particulars in this case. There, however, seems to be no question as to the title of the Government to the ditch and the earliest right to take water through this ditch from Crow Creek for purposes of irrigation, nor have I ever heard of this right being disputed except by the *zanzero* for the Cheyenne district, who did so, I believe, without advice or authority.

Later on, after the post of Fort Russell had been using this ditch to take water for irrigating purposes for several years, in 1884 the city of Cheyenne joined with the post authorities in placing the ditch in good repair, and the city at that time obtained the privilege of laying a pipe line across the reservation through which the city of Cheyenne was to receive its supply of water. This pipe line is filled by means of a water system developed and established by the city of Cheyenne, consisting of the laying of galleries and conduits across the valley and longitudinally up and down the valley. One of these galleries is laid in the bed of the stream for several hundred feet and the extreme end terminates in the bed of the stream and at extreme low water collects all the water that would ordinarily flow in the bed of the stream and conducts it to a well in which heads the pipe line terminating in the city water system. The other galleries collect a considerable amount of water and empty it into the common conduit, which in turn conducts it to the city system. During periods when there is more water in the stream than is required to fill the pipe line it is permitted to enter the open ditch, which is still in existence, and I am informed that it has been customary to furnish the post with a portion of it. It is, however, safe to say that during the period when most needed, July and August, very little, if any, water is permitted to enter the ditch, inasmuch as the water is not in the creek bed in sufficient quantity, and if diverted from the pipe line to the ditch the city of Cheyenne would suffer from shortage.

The city of Cheyenne is now engaged in constructing a dam near the headwaters of Crow Creek, which will impound when completed 2,400,000,000 gallons of water.

This water, once impounded, can be drawn from the reservoir during the dry period of the year in sufficient quantities to keep up a flow of water in Crow Creek and furnish a constant and wholesome supply for the city of Cheyenne. I visited the site of this dam and reservoir, and from observations and data furnished me as to the flow of the stream at the point of the reservoir I am convinced that the watershed is ample to fill the reservoir in question in average years. In years when there is a great shortage of water in the watershed the reservoir may not be completely filled, but in any case the future conditions will always be a vast improvement over those of the past. The reservoir in question will keep up a liberal supply of water in the stream, but it is not to be presumed that the authorities controlling this reservoir would under ordinary circumstances turn loose an amount of water sufficient to give an abundant surface flow in Crow Creek. The reservoir is located about 20 miles westward of Fort Russell, and it is estimated that about 30 per cent of the water turned loose from the reservoir will be lost by evaporation and seepage before reaching the headgates of the water system of the city of Cheyenne.

It would therefore seem that under the arrangement hitherto existing it would be possible for the city of Cheyenne, unless restrained, to completely exclude the post of Fort Russell from the use of a certain water right for irrigation purposes that it has enjoyed from the time of the establishment of the post.

The authorities of the city of Cheyenne disclaim any desire, however, to in any way injure the post or to jeopardize its water supply, and as an evidence of good faith on their part and a willingness to guarantee to the United States Government a perpetual water right from the waters of Crow Creek, the city council passed, on December 17, an ordinance, a copy of which is herewith inclosed, marked "B." This ordinance authorizes a contract to be entered into between the Secretary of War and the authorities of the city of Cheyenne, authorizing the military authorities to lay a pipe line of sufficient capacity to carry 300,000 gallons of water per day to the post of Fort Russell, which pipe line shall receive its supply of water from the well from which the city of Cheyenne receives its supply. This guarantees an ample supply of water for ordinary irrigation purposes through the driest period of the year, namely, July and August.

In addition to this, however, the old provision for a supply of irrigating water to the post of Fort Russell continues in effect and is reiterated in this same ordinance of the city of Cheyenne, to the effect that if needed by Fort Russell for irrigation the entire flow of the open ditch shall be made use of by Fort Russell three times each week. This authorization on the part of the city council, in my opinion, guarantees perpetual water rights to the post of Fort Russell for purposes of irrigation.

In amount the quantity of water provided is more than double that which the post commander and the officer in charge of irrigation at Fort Russell reported to me as necessary for the use of that post during the driest periods; that is, the estimated daily amount in gallons for irrigation through the present ditches during the months of July and August is 100,000 gallons. The approximate estimate for the irrigation of the post gardens separately is 60,000 gallons per day (24 hours). In case this water is piped to the point where used for irrigation, 120,000 gallons for garden and post, it is estimated by the officer in charge of irrigation during the past season to be sufficient.

It should be borne in mind, however, that whilst the water thus provided will be ample for all the ordinary purposes of irrigation, there will be none to waste, and it is believed that it would be a wise step to provide a pipe line conduit for water to be used for irrigation instead of permitting it to run in open ditches, with the consequent loss from seepage and evaporation.

I have the honor to inclose herewith, marked "C," extracts from the medical history of Fort Russell, showing the remarks on the subject of water from 1885 to 1902.

SUMMARY.

The domestic supply.--The present domestic supply of the post of Fort Russell is sufficient for the present garrison. It is of excellent quality, and no report that I have been able to find condemns the quality of the water or attributes any case of sickness thereto. In case of extension or increase in the size of the garrison the domestic water supply should be increased. Two methods are proposed:

First. By extension of the present system, building new dam, and constructing galleries.

Second. By sinking wells, which is the method recommended for trial on account of its cheapness and from the fact that if successful it will supply perfectly filtered water.

A conflict of interest appears to have arisen between the post authorities and those of the city of Cheyenne. This, however, it is believed, will be entirely removed since the passage of the ordinance herewith inclosed.

The construction of a pipe line carrying water from the head gates of the city water-works will result in furnishing an ample supply of water to the post of Fort Russell for irrigating purposes, and the conditions of this ordinance will remove all source of friction between the post and city authorities.

Very respectfully, your obedient servant,

CHAUNCEY D. BAKER,
Captain and Quartermaster, U. S. Army.

[First indorsement.]

WAR DEPARTMENT,
QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., January 15, 1903.

Respectfully submitted to the honorable Secretary of War (through the Judge Advocate General, United States Army) for his information in connection with previous papers on the same subject forwarded to the Judge Advocate General by indorsement from this office of September 15, 1902, which papers are thought to be still in the possession of the Judge Advocate General.

Attention is especially called to the portion of this report (pp. 9 to 13, inclusive) and to copy of the ordinance passed by the city of Cheyenne inclosed.

In view of the reports and recommendations of the department authorities and of the report made by wire by Capt. Baker, this office on December 19, 1902, recommended to the honorable Secretary of War that the work of construction of buildings at Fort Russell, which had been held in abeyance owing to the disagreement between the military authorities and the city of Cheyenne in the matter of water supply proceed, and this was approved by the honorable Assistant Secretary of War, and said construction has now been placed under contract.

It is thought that the question of water supply as indicated in within report is now satisfactorily settled; but it is respectfully recommended that the Judge Advocate General prepare a suitable contract to be entered into with the city of Cheyenne in accordance with the inclosed ordinance and as recommended by Capt. Baker.

The question of improving the water supply at the post, both for domestic uses and for irrigation purposes, will be taken up by this office with the constructing quartermaster.

M. I. LUDINGTON,
Quartermaster General, United States Army.

[Second indorsement.]

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WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
Washington, D. C., January 27, 1903.

Respectfully forwarded to the Secretary of War, with draft of contract as recommended by the Quartermaster General.

Attention is invited to the accompanying report to this office, dated October 4, 1902, to the Adjutant General.

It is doubtful if this agreement or the one of December 2, 1884, upon which this one is predicated, amounts to more than a license on the part of the United States to the city of Cheyenne to cross the reservation with its ditches and pipe lines, for the reason that the Secretary of War can not legally grant a permanent right of way across military reservations. However, as this arrangement has long been acquiesced in and it seems to be the desire of all parties to continue it, I have drawn a contract which when executed will, in my opinion, fully protect the interests of the United States.

I have inserted an arbitration clause, as desired by the city counsel, but its effect is necessarily limited by the character of the contracting parties.

GEO. B. DAVIS,
Judge Advocate General.

[Third indorsement.]

WAR DEPARTMENT,
QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., February 2, 1903.

Respectfully returned to the honorable Secretary of War.

The draft of contract prepared by the Judge Advocate General is satisfactory to this office, and appears to thoroughly safeguard the interests of the United States. If the draft meets the approval of the Secretary of War it is respectfully recommended that the same be indicated by indorsement hereon.

M. I. LUDINGTON,
Quartermaster General, United States Army.

[Fourth indorsement.]

WAR DEPARTMENT, *February 17, 1902.*

Respectfully returned to the Quartermaster General with the request for an opinion whether the proposed agreement is the best possible arrangement which the United States can make in regard to its water supply for this post and whether it provides an adequate supply.

W. SANGER,
Assistant Secretary of War.

[Fifth indorsement.]

WAR DEPARTMENT,
QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., February 17, 1903.

Respectfully returned to the honorable the Assistant Secretary of War.

The proposed agreement is considered the best arrangement which the United States can make in regard to its water supply for Fort D. A. Russell, and it is believed that the arrangement as contemplated will provide an adequate supply for the purposes indicated, namely, irrigation. The post has its own supply for domestic and other uses.

M. I. LUDINGTON,
Quartermaster General, United States Army.

[Sixth indorsement.]

WAR DEPARTMENT, *February 20, 1903.*

The draft of contract prepared by the Judge Advocate General is approved.

W. SANGER,
Assistant Secretary of War.

244 b.]

U. S. DEPARTMENT OF AGRICULTURE, WEATHER BUREAU STATION, CHEYENNE, WYO.

Data monthly and annual precipitation (including rain and melted snow).

Year.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Annual.
1871.....	0.28	0.08	0.11	0.95	2.17	2.25	1.27	0.36	0.74	0.24	0.66	0.16	9.27
1872.....	0.02	0.27	0.38	1.61	1.99	2.15	3.90	2.05	1.03	0.33	0.03	0.04	13.80
1873.....	0.03	0.02	0.38	0.92	2.41	1.77	1.10	2.07	0.36	0.70	0.17	0.08	10.01
1874.....	0.11	0.11	0.74	0.61	1.50	1.34	1.87	0.49	0.92	1.86	0.04	0.06	9.75
1875.....	0.42	0.06	0.23	0.50	1.20	0.29	4.47	2.12	1.34	0.60	0.84	0.03	12.10
1876.....	0.02	0.06	0.55	0.23	2.50	0.10	0.79	0.26	T.	T.	0.32	0.21	5.04
1877.....	0.20	0.14	0.98	1.11	2.24	1.27	0.43	0.83	2.02	1.99	0.17	0.33	11.71
1878.....	0.08	0.13	1.16	0.19	4.46	1.71	1.43	2.50	0.75	0.04	T.	0.19	12.64
1879.....	0.32	0.20	0.44	1.66	1.30	0.07	1.04	1.26	.....	0.65	0.23	0.17	7.34
1880.....	0.20	0.09	0.06	0.17	0.44	1.06	1.88	2.23	1.05	0.76	0.36	0.08	8.38
1881.....	0.36	0.22	0.32	2.32	1.14	1.22	1.40	1.97	1.75	0.88	0.29	0.01	11.88
1882.....	0.14	0.05	0.06	0.46	2.73	1.85	2.30	0.23	0.35	0.31	0.06	0.10	8.64
1883.....	0.88	0.25	0.85	2.76	3.68	3.67	1.45	2.18	0.90	1.66	0.16	0.80	19.24
1884.....	0.76	0.26	1.59	1.33	4.83	1.50	0.60	2.07	1.25	0.50	0.18	0.67	15.54
1885.....	0.16	1.31	0.51	3.76	1.33	2.75	1.92	2.14	0.69	0.28	1.11	0.16	16.12
1886.....	0.52	0.84	1.36	1.14	0.32	1.52	0.71	1.61	1.05	0.37	.....	.....	.....
1887.....	.....	.....	.....	2.20	0.94	0.80	2.71	1.90	1.25	0.49	0.29	0.35	.....
1888.....	0.29	0.72	2.04	0.94	3.74	0.56	2.31	1.15	1.66	0.30	0.59	0.21	14.51
1889.....	0.23	0.62	0.26	1.24	2.85	3.67	1.23	0.71	0.54	2.58	0.56	0.16	14.65
1890.....	0.16	0.59	0.17	3.93	0.81	0.65	3.64	3.18	T.	0.76	0.47	0.11	14.47
1891.....	2.03	0.89	1.61	1.18	4.72	1.84	0.82	2.16	2.09	0.25	0.82	0.56	18.97
1892.....	0.99	1.17	0.62	1.21	3.46	2.01	0.90	0.60	0.22	1.12	0.31	0.89	13.50
1893.....	0.08	0.87	0.78	1.36	1.64	1.33	0.69	1.14	0.29	0.22	0.29	0.53	9.22
1894.....	0.20	0.72	0.93	1.64	1.24	0.64	3.25	2.17	1.23	0.18	0.08	0.70	12.98
1895.....	0.29	0.30	1.26	1.21	2.73	2.59	2.54	1.69	0.39	0.95	0.63	0.18	14.76
1896.....	0.68	0.31	2.06	2.08	2.85	1.41	6.35	2.52	2.08	0.28	0.14	0.03	20.79
1897.....	0.27	0.57	2.32	0.60	3.07	1.60	3.77	1.66	0.41	1.03	0.68	1.27	17.25
1898.....	0.48	0.06	0.39	0.68	3.72	2.33	1.83	0.90	0.47	0.25	1.58	0.36	13.05
1899.....	1.23	1.63	1.89 ¹	0.97	1.70	0.74	3.28	1.15	0.07	1.27	0.07	0.18	14.18
1900.....	0.15	1.25	0.72	7.66	0.76	1.01	1.20	0.70	2.19	0.03	0.09	0.33	16.09
1901.....	0.13	1.10	1.54	2.97	2.47	1.93	1.34	0.83	0.75	0.31	T.	1.62	14.99
1902.....	0.21	0.55	2.11	1.99	2.51	1.55	1.49	0.53	0.52	0.52	0.23	.....	14.71
	0.38	0.50	0.92	1.60	2.30	1.54	2.00	1.48	0.98	0.68	0.37	0.36	13.10

¹ 11 months.

O. K.—W. S. PALMER,
Section Director.

CHEYENNE, WYO., *December 12, 1902.*

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244 c.)

EXTRACTS FROM MEDICAL HISTORY OF POST FORT D. A. RUSSELL, WYO.

October, 1885. An abundant supply of water of good quality is supplied from a well near Crow Creek by steam waterworks recently erected near the post.

November, 1885. An abundant supply of water of good quality is obtained from a well situated from Crow Creek. The water is forced into a tank by a steam pump and distributed by iron pipes to the various buildings at the post.

December, 1885. The water supply is sufficient and of fair quality.

January, 1886. The water supply is sufficient and of fair quality.

February, 1886. The water supply is sufficient and of fair quality.

March, 1886. The water supply is sufficient and of fair quality.

April, 1886. The water supply is sufficient and of fair quality.

May, 1886. The water supply is ample and of fair quality.

June, 1886. The water supply is ample and of fair quality.

July, 1886. The water supply is ample and of fair quality.

August, 1886. The water supply is sufficient and of fair quality.

September, 1886. The water supply is sufficient and of fair quality.

October, 1886. The water supply is sufficient and of fair quality.

November, 1886. The water supply is sufficient and of fair quality.

December, 1886. The water supply is sufficient and of fair quality.

January, 1887. The water supply is sufficient and of fair quality.

February, 1887. The water supply is sufficient and of fair quality.

March, 1887. The water supply is sufficient and of fair quality.

April, 1887. The water supply is sufficient and of fair quality.

May, 1887. The water supply is sufficient and of fair quality.

June, 1887. The water supply is sufficient and of fair quality.

July, 1887. The water supply is sufficient and of fair quality.

August, 1887. The water supply is sufficient and of good quality.

September, 1887. The water supply is sufficient and of fair quality.

October, 1887. The water supply is sufficient and of fair quality.

November, 1887. The water supply is sufficient and of fair quality.

December, 1887. The water supply is sufficient and of fair quality.

January, 1888. The water supply is sufficient and of fair quality.

February, 1888. The water supply is sufficient and of fair quality.

March, 1888. The water supply is sufficient and of fair quality.

April, 1888. The water supply is sufficient and of good quality. No impairment to the health of the command can be attributed to that cause.

May, 1888. The water supply is sufficient and of good quality. No impairment to the health of the command can be attributed to that cause.

June, 1888. The water supply is sufficient and of good quality. No impairment to the health of the command can be attributed to that cause.

July, 1888. The water supply is sufficient and of good quality. No impairment to the health of the command can be attributed to that cause.

August, 1888. The water supply is sufficient and of good quality. No impairment to the health of the command can be attributed to that cause.

September, 1888. The water supply is sufficient and of reputed good quality.

October, 1888. The water supply is sufficient and of reputed good quality.

November, 1888. The water supply is sufficient and of reputed good quality.

December, 1888. The water supply is sufficient and of reputed good quality.

January, 1889. The water supply is sufficient in winter, but not sufficient during the summer months, and is of reputed good quality.

February, 1889. The water supply is sufficient in winter, but not sufficient during the summer months, and is of reputed good quality.

March, 1889. The water supply is sufficient in winter, but not sufficient during the summer months, and is of reputed good quality.

April, 1889. The water supply is sufficient in winter, but not sufficient during the summer months, and is of reputed good quality.

May, 1889. The water supply is sufficient in winter, but not sufficient during the summer months, and is of reputed good quality.

July, 1889. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

August, 1889. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

September, 1889. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

October, 1889. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

November, 1889. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

December, 1889. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

January, 1890. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

February, 1890. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

March, 1890. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

April, 1890. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

May, 1890. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

June, 1890. The water is of good quality, and the supply is sufficient for all cooking and washing purposes. An abundant supply for irrigating and garden needs will be furnished when the projected new works are completed.

July, 1890. An abundant supply of water for irrigation and garden needs is now available, the new works being in successful operation.

August, 1890. The water is of good quality and the supply is sufficient for all purposes.

September, 1890. The water is of good quality and the supply is sufficient for all purposes.

October, 1890. The water is of good quality and the supply is sufficient for all purposes.

November, 1890. The water is of good quality and the supply is sufficient for all purposes.

December, 1890. The water is of good quality and the supply is sufficient for all purposes.

January, 1890. The water is of good quality and the supply is sufficient for all purposes.

February, 1891. No remarks pertaining to water.

March, 1891. No remarks pertaining to water.

April, 1891. No remarks pertaining to water.

May, 1891. No remarks pertaining to water.

June, 1891. No remarks pertaining to water.

July, 1891. No remarks pertaining to water.

August, 1891. No remarks pertaining to water.

September, 1891. No remarks pertaining to water.

October, 1891. No remarks pertaining to water.

November, 1891. No remarks pertaining to water.

December, 1891. No remarks pertaining to water.

January, 1892. No remarks pertaining to water.

February, 1892. No remarks pertaining to water.

March, 1892. No remarks pertaining to water.

April, 1892. No remarks pertaining to water.

May, 1892. No remarks pertaining to water.

June, 1892. No remarks pertaining to water.

July, 1892. No remarks pertaining to water.

August, 1892. No remarks pertaining to water.

September, 1892. No remarks pertaining to water.

October, 1892. No remarks pertaining to water.

November, 1892. No remarks pertaining to water.

December, 1892. No remarks pertaining to water.

January, 1893. No remarks pertaining to water.

February, 1893. No remarks pertaining to water.

March, 1893. No remarks pertaining to water.

April, 1893. No remarks pertaining to water.

May, 1893. No remarks pertaining to water.

June, 1893. No remarks pertaining to water.

July, 1893. No remarks pertaining to water.

August, 1893. No remarks pertaining to water.

September, 1893. No remarks pertaining to water.

October, 1893. No remarks pertaining to water.

November, 1893. No remarks pertaining to water.

December, 1893. No remarks pertaining to water.

January, 1894, to October, 1897. No remarks pertaining to water.

November, 1897, to October, 1902. Water supply: Abundant and of excellent quality.

November, 1902. Water supply: Abundant and of excellent quality for present purposes.

Post Hospital, Fort D. A. Russell, Wyo., December 14, 1902.

A true copy of extracts from the medical history of the post pertaining to water supply.

W. F. LEWIS,

Captain and Assistant Surgeon, U. S. Army, Surgeon.

244 e]

A BILL For an ordinance granting water privileges to the Government of the United States, for the use of Fort D. A. Russell, in the State of Wyoming.

The council of the city of Cheyenne does ordain:

SECTION 1. That the city of Cheyenne, in the State of Wyoming, does hereby grant to the Government of the United States of America, water privileges for the purpose of irrigation from the source of the water supply of said city for the use of the military post of Fort D. A. Russell, in the State of Wyoming, which said grant shall continue in force as long as the said post shall be occupied and garrisoned by soldiers of the United States, but shall revert to the said city if at any time the said post shall be abandoned by the military authorities of the United States.

SEC. 2. The mayor and city clerk of the city of Cheyenne are hereby authorized to enter into a contract with the Secretary of War for the purpose of carrying out the grant made by section 1 of this ordinance, and which said contract shall contain the following provisions:

(1) The military authorities at Fort D. A. Russell shall have the privilege of laying a pipe line of sufficient capacity to carry 300,000 gallons of water per day to the post of Fort D. A. Russell, which said pipe line shall receive its supply of water from the well from which the said city of Cheyenne receives its water supply and the bottom of said pipe line is to be at the same level as the bottom of the pipe line furnishing water to the city of Cheyenne.

(2) The military post of Fort D. A. Russell shall, in addition thereto, continue to enjoy the same privileges in the open ditch which conducts surplus water for irrigation purposes to said Fort D. A. Russell and the city of Cheyenne which the said post has heretofore enjoyed; that is, when the amount of water at the head of the ditch is greater than the capacity of the said pipe line, and the pipe line to be laid by the military authorities of said post for the purpose of carrying to said post not more than 300,000 gallons per day, then the said post shall have the privilege of using the water from said ditch three times per week for the purpose of irrigating gardens, trees, lawns and parade ground without any unnecessary waste.

(3) When the water supply herein provided for the post of Fort D. A. Russell, shall not be required for the needs of said post, the water granted for the use of said post shall be permitted to flow through the ditch to the reservoirs belonging to the said city of Cheyenne, below said post, and which are filled during the season when the water supply is the greatest, from surplus water, and the supply of water provided for the use of said post shall not be wasted.

(4) Provision for the settlement of any disagreement between the authorities of the city of Cheyenne and the military authorities of Fort D. A. Russell as to the rights and privileges under said contract and this ordinance, by a board of arbitrators whose decision shall be final and binding on both parties.

(5) Such other provisions as may be necessary and proper to carry into effect the letter and the spirit of this ordinance, and the contract herein provided for.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Passed December 16, 1902.

Approved December 16, 1902.

Attest:

L. L. MURRAY, Mayor.

E. A. ABRY, City Clerk.

THE CITY OF CHEYENNE,
OFFICE OF THE CITY CLERK,
Cheyenne, Wyo., December 17, 1902.

STATE OF WYOMING, *County of Laramie, city of Cheyenne, ss:*

I, E. A. Abry, city clerk of the city of Cheyenne, do hereby certify that the hereunto attached ordinance is a full, true, and correct copy of the original ordinance passed by the city council of said city at a regular meeting of said body held December 16, 1902, and approved by the mayor on the same day.

In witness whereof, I have hereunto signed my name and affixed the seal of said city, this 17th day of December, A. D. 1902.

[SEAL.]

E. A. ABRY, *City Clerk.*

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This agreement entered into this 25th day of March, 1903, between Lieut. Col. J. W. Pope, Depot Quartermaster General, United States Army, of the first part, and M. P. Keefe and E. A. Abry, mayor and city clerk, respectively, of the city of Cheyenne, Wyo., of the second part, witnesseth, that,

Whereas, under date of December 2, 1884, an agreement was entered into between the city of Cheyenne and the United States of America, whereby permission was given said city to maintain certain ditches and water pipes for the conveyance of water from points on Crow Creek above the military reservation of Fort D. A. Russell, Wyo., to said city, which ditches and pipes cross said reservation; and to take water from said Crow Creek by means of dams, ditches, pipes, and other necessary means, at points where the United States had therefore obtained water for the needs of said post;

And whereas differences have arisen with reference to the right of the United States to use water from said ditches and pipes for irrigation purposes; and the council of the city of Cheyenne desiring to further confirm said right, under date of December 16, 1902, passed an ordinance granting certain water privileges for irrigation purposes to the United States and authorizing the mayor and city clerk of said city to enter into a contract for the purpose of carrying out said ordinance:

Now therefore, the said Lieut. Col. J. W. Pope, Depot Quartermaster General, United States Army, for and in behalf of the United States of America, and the said M. P. Keefe and E. A. Abry, mayor and city clerk, respectively, of said city, for and in behalf of the city of Cheyenne, Wyo., do covenant and agree to and with each other as follows:

ARTICLE 1. The United States shall have the right to lay a pipe line, of the capacity of 300,000 gallons per day, from the well from which the city of Cheyenne receives its supply of water to the post of Fort D. A. Russell, Wyo., and to use, free of charge, from said well for irrigation purposes not more than 300,000 gallons of water per day. The bottom of said pipe line where it enters said well shall be at the same level as the bottom of the pipe line that furnishes water from said well to the city of Cheyenne.

ART. 2. The United States shall, in addition to the foregoing right, continue to enjoy the same privileges in the open ditch which conducts surplus water for irrigation purposes to said Fort D. A. Russell and the city of Cheyenne, as the United States has heretofore enjoyed; that is to say, when the water at the head of the ditch is greater than the combined capacity of the existing pipe line conveying water to the city of Cheyenne and the pipe line herein authorized to be laid by the United States, the United States shall have the privilege of using the water from said open ditch three times per week for the purpose of irrigating the gardens, trees, lawns, and parade grounds of said post without any unnecessary waste.

ART. 3. The supply of water herein authorized to be used by the post shall not be wasted, and when not required by the post's needs, shall be permitted to flow through the ditch to the reservoirs belonging to said city of Cheyenne below the post, in order that said reservoirs may be filled from surplus water during the season when the water supply is the greatest.

ART. 4. Nothing herein contained shall be construed to diminish any rights which the United States now possesses under said agreement of December 2, 1884, to require said city to furnish water for domestic purposes or to affect in any way the rights of the United States to use the waters of Crow Creek for domestic and irrigation purposes.

ART. 5. The rights herein granted to the United States shall continue so long as the said post shall be occupied and garrisoned by soldiers of the United States, and shall revert to said city whenever said post shall be permanently abandoned by the United States, in which event the United States shall have the right to order the removal of the pipes and ditches from the reservation.

ART. 6. Any disagreement as to the rights of the parties under this contract shall be referred to three disinterested persons, one of whom shall be chosen by the commanding officer of said post and one by the mayor of said city, and the two thus chosen shall select the third. The decision of such persons shall be final and binding upon the parties to this agreement in so far as it is possible for the agents executing this agreement on behalf of said parties to bind said parties.

In event the mayor of said city shall fail to promptly choose an arbitrator when called upon to do so by said commanding officer; or in event the said arbitrators shall unreasonably delay in reaching a decision, the Secretary of War shall have the privilege of resorting to the rights of the United States under article 7 of this agreement. The expenses of any arbitration under this agreement shall be paid by the city of Cheyenne.

ART. 7. In event the city of Cheyenne shall fail to faithfully perform its part of this agreement and the agreement of December 2, 1884, the Secretary of War shall have the right to cause any pipe lines and ditches which the city of Cheyenne may have constructed across said reservation to be removed upon first giving the mayor of said city 30 days' notice, and no claim for damages on account of such removal shall be maintained against the United States or any agent or officer thereof.

In witness whereof we have hereunto set our hands the date first hereinbefore written.

J. W. POPE,

Lieutenant Colonel and Depot Quartermaster General, United States Army.

Attest witness:

JULIUS SCHMIDT.

[SEAL.]

THE CITY OF CHEYENNE, WYO.,
By M. P. KEEFE, *Mayor.*
E. A. ABRY, *City Clerk.*

EXPENDITURES IN THE WAR DEPARTMENT.

[Memorandum submitted by the Quartermaster General, Jan. 30, 1912.]

(The following is submitted with reference to the various foregoing questions, the answers to which were to be inserted in this hearing after consulting the records of the office of the Quartermaster General:)

1. *Drainage area or watersheds.*—There are approximately 105.75 square miles (67,448 acres) of drainage area, of which about 50 square miles (32,000 acres) are within the exterior boundaries of the Fort D. A. Russell Target and Maneuver Reservation, and 55.75 square miles (35,680 acres) outside the boundaries of said reservation. What portion of this 55.75 square miles outside the reservation, if any, is private property not owned or controlled by the city of Cheyenne the records of this office do not show.

2. *Fort D. A. Russell Target and Maneuver Reservation.*—It appears that this reservation includes the original Wood Reserve of 2,540.64 acres, set apart for military purposes by Executive orders dated February 4, 1879, and February 25, 1880, and certain tracts of public land originally set apart as a forest reserve by Executive order dated October 10, 1900, and which were transferred to the War Department by Executive order dated October 9, 1903 (G. O. 40, W. D., Oct. 23, 1903), for military purposes, with the understanding that the use of the lands for such purposes shall not interfere with the objects for which the forest reserve was established. But it was not until about February 16, 1911, that the War Department obtained full control of the reservation.

3. *Grazing of cattle and sheep on watersheds.*—(a) By letter of August 18, 1910, it was agreed by the War Department that all permits issued by the Forest Service allowing the use for grazing purposes of what was formerly the Crow Creek division of the Cheyenne National Forest, and which was transferred to the War Department and now known as the Fort D. A. Russell Target and Maneuver Reservation, would be allowed to continue in effect until their expiration, on April 15, 1911. It was also agreed that the Forest Service should continue to supervise the area until the expiration of the permits or until the War Department was ready to assume charge of it.

(b) On February 2, 1911, the Assistant Secretary of War sent the following letter to the Secretary of Agriculture:

“WAR DEPARTMENT,
“Washington, February 2, 1911.

“SIR: Under date of November 12, 1910, in reference to grazing permits on the Fort D. A. Russell Target and Maneuver Reservation, you advised this department that it seems inadvisable and unnecessary to continue supervision by the Forest Service over this reservation and recommended that the War Department assume charge of it at an early date. This request has been under consideration by the military authorities and it appears from their reports, which are now before me, that the time has arrived when this department can assume entire charge of the reservation, and directions to that end have accordingly been given. I would request that your forest supervisor who has been in charge confer with the post commander at Fort D. A. Russell regarding any details which may be involved in such transfer of jurisdiction.

“In conclusion, I beg to convey the cordial thanks of this department for assistance and cooperation which have been so cheerfully extended by you in connection with the supervision and transfer of this reservation.

“Very respectfully,

“ROBERT SHAW OLIVER,
“Assistant Secretary of War.”

(c) On February 10, 1911, the following letter, dated February 4, 1911, was received from the Acting Secretary of Agriculture:

"DEPARTMENT OF AGRICULTURE,
"OFFICE OF THE SECRETARY,
"Washington, D. C., February 4, 1911.

"The SECRETARY OF WAR.

"SIR: Your letter of February 2 is received.

"A copy of your letter has been transmitted to the district forester at Denver, Colo., with a request that the supervisor in charge of the Medicine Bow National Forest be instructed to confer with the post commander at Fort D. A. Russell regarding any details which may be involved in the transfer to the jurisdiction of the War Department of the Fort D. A. Russell Target and Maneuver Reservation, formerly known as the Crow Creek division of the Medicine Bow National Forest. The supervisor will also be instructed to furnish such information or assistance as the latter may require for the administration of the area in question.

"Very respectfully,

"W. M. HAYS,
"Acting Secretary of Agriculture."

(d) The following is a list of the grazing permits in question, furnished the Secretary of War by the Secretary of Agriculture:

Minna Kassahn, cattle grazing, drift fence.

August Kassahn and John Pulscher, cattle grazing.

W. G. Mathews, cattle grazing, drift fence.

E. La Pasch and Wm. Owen, sheep grazing.

C. C. Frazer, sheep grazing, drift fence.

R. S. Van Tassel, D. T. Davis, A. McKechnie, J. A. Wallis, R. W. Wallis, and John Boyle, cattle grazing, drift fence.

(e) On November 17, 1910, a letter, dated November 12, 1910, of the Secretary of Agriculture to the Secretary of War was referred to this office, reporting that persons who were not permittees of the Forest Service and who were not authorized by the Forest Service within the limits of the Fort D. A. Russell Target and Maneuver Reservation did occupy and graze sheep upon certain areas thereof. The records show that immediate action was taken by the military authorities in the matter, and that on December 9, 1910, the commanding officer, Fort D. A. Russell, reported: "All squatters were removed from the Crow Creek Military Reservation" (now known as the Fort D. A. Russell Target and Maneuver Reservation) "and all persons having permits from the Department of Agriculture were notified through the forest supervisor at Laramie, Wyo., that they would have to vacate upon expiration of permit."

(f) The records show that on or about February 16, 1911, the War Department took full charge of the Fort D. A. Russell Target and Maneuver Reservation. In order to allow the owners a reasonable time to remove their cattle and sheep without undue hardship to them, the grazing permits issued by the Forest Service were, in accordance with the agreement above referred to, allowed to run until the date of their expiration, April 15, 1911.

(g) On or about September 13, 1911, it was brought to the attention of the War Department that sheep had been seen grazing on the Fort D. A. Russell Target and Maneuver Reservation, and immediate action was taken by the military authorities to stop the same.

(h) So far as the records of this office show, no permits were issued by the War Department allowing the use of the reservation for grazing purposes since the War Department assumed control, about February 16, 1911.

(i) Under the provisions of paragraph 212, Army Regulations, 1910, the military authorities are charged with the duty of supervising all military reservations within the limits of their command, and, if necessary, will use force to remove trespassers.

(j) All the private holdings originally within the exterior boundaries of the Fort D. A. Russell Target and Maneuver Reservation either have been or are now being acquired under authority of the following act of Congress (Public, No. 453; H. R. 31237). "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1912," on page 17 thereof, under the head of "Water and sewers at military posts."

"* * * *Provided*, That not to exceed one hundred thousand dollars of this sum may be used for the improvement and protection of the water supply and for the improvement of the grounds of the Fort D. A. Russell Target and Maneuver Reservation, Wyoming, and that from the sum hereby appropriated the Secretary of War is authorized, in his discretion, to acquire, by purchase or condemnation proceedings, certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation: * * *."

(k) As to the protection of the watershed outside the boundaries of the reservation, the agreement entered into by the United States with the city of Cheyenne for furnishing perpetually a sufficient supply of potable and wholesome water for the use of Fort D. A. Russell and its appurtenant reservation specifically provides: "That the said city of Cheyenne shall provide for the perpetual care, maintenance, and repair of the reservoirs, mains, and connections constituting its water-supply system, and shall furnish such police protection as may be necessary to secure the efficient operation of said system at all times, and render and maintain potable the said supply, and adequately protect the same from contamination."

4. *Clippings from the editorial columns of the Cheyenne State Leader.*—(a) In the first of these articles it is stated: "The sheep have had their camp close to the reservoir," meaning, it would seem from the second article, Granite Springs reservoir. This reservoir is fully 2 miles from the eastern boundary line of the Fort D. A. Russell Target and Maneuver Reservation; and it would seem, therefore, that the sheep camp referred to is not on any part of the reservation.

(b) What steps the city of Cheyenne has actually taken to prevent sheep from grazing on the watersheds outside the reservation limits does not appear in the records of the Office of the Quartermaster General; but there is nothing in the water reports of Fort D. A. Russell that would indicate that the quality of the water supplied to that post, under the present agreement with the city of Cheyenne, has ever been impaired, due to contamination of any of the watersheds either by human or animal refuse.

5. *Authority for the enlargement of military posts.*—(a) As to buildings: It would appear that, under the several appropriation acts for the support of the Army and for sundry civil expenses of the Government, Congress has empowered the Secretary of War to authorize new construction and enlargements at military posts of such buildings as in his judgment may be necessary out of funds thus appropriated for the purpose.

These various acts read in part as follows:

"*Barracks and quarters.*—For barracks and quarters for troops, other than seacoast artillery, storehouses for the safe-keeping of military stores, for offices, recruiting stations, to provide such furniture for the public rooms of officers' messes and officers' quarters at military posts as may be approved by the Secretary of War * * *."

"*Military posts.*—For the construction and enlargement at military posts as, in the judgment of the Secretary of War, may be necessary * * *."

(b) The records of this office show that no buildings have been constructed or enlarged at any military post out of money thus appropriated without first obtaining the approval of the Secretary of War in each case.

(c) With reference to the enlargement of Fort D. A. Russell, attention is invited to the detailed estimate of funds required for the construction of public buildings, rentals and repairs, and other purposes, submitted on January 27, 1908, to the Committee on Military Affairs, House of Representatives, by the Quartermaster General, and printed in the hearing on Army appropriation bill for fiscal year 1908-9, beginning on page 154, which reads as follows:

D. A. Russell, Wyo.

	Construction.		Plumbing. Army transportation.	Heating and lighting, regular supplies.
	Military posts.	Barracks and quarters.		
1 double cavalry barrack.....	\$54,000		\$5,750	\$12,750
1 administration building.....		\$15,000	1,150	2,500
4 cavalry stables.....		70,000	1,800	600
2 double stable guards buildings and shops.....		7,800		300
1 guardhouse.....		14,500	1,100	2,150
1 double captains' quarters.....		22,400	1,750	2,100
3 double lieutenants' quarters.....		56,250	2,350	5,550
1 post administration building.....		17,500	1,150	2,250
1 brigadier general's quarters.....	25,000		1,000	3,500
5 sets quarters for brigade staff officers.....		75,000	6,000	10,500
Total.....	79,000	278,450	22,050	42,200

"The present purpose of the War Department is understood to be to provide accommodations at the post for a command consisting of 1 regiment of Infantry, 1 regiment of Cavalry, 1 of Field Artillery, 1 company Hospital Corps, and quarters and administration offices for a brigadier general to command the post.

"There are now at the post completed, in progress of construction and contemplated from current year's appropriation, buildings which will provide for: One regiment of Infantry, 8 troops of Cavalry, and the greater part of a regiment of Field Artillery.

"The buildings in estimate submitted for 1909 are those which are required to complete the accommodations for: The regiment of Cavalry (4 troops); the Field Artillery, quarters and office buildings for brigadier general and his staff officers.

"There was constructed at this post from appropriations for the fiscal year 1907 buildings as follows: Root cellar, 4 field officers' quarters, 1 double noncommissioned staff officers' quarters, 4 Field Artillery stables, 4 Field Artillery shops, 2 double Field Artillery stable guard buildings, veterinary hospital, hay shed, fire-engine house, 2 double Field Artillery barracks for 480 men, 1 granary, 3 double captains' quarters, 3 double lieutenants' quarters, 6 sets bachelor officers' quarters, 4 Field Artillery gun sheds, Hospital Corps barracks.

"Allotments were made from appropriation for fiscal year 1908 for construction of following new buildings, for which bids have been invited: One band barrack; 1 field officers' quarters; 2 double captains' quarters; 2 double lieutenants' quarters; 3 double noncommissioned staff officers' quarters; 3 double Artillery barracks; 6 Artillery stables; 1 field, staff, and band stable; gun sheds, shops, and stable-guard buildings; 1 double captains' quarters; 2 double lieutenants' quarters; 1 double noncommissioned staff officers' quarters.

"Also for the following, for which bids have not yet been invited but plans and specifications for which are being prepared: Two sets colonels' quarters, 1 regimental administration building, 1 regimental guardhouse."

(d) As to garrison: As Commander in Chief of the land and naval forces (Art. II, sec. 2, of the Constitution) the President, through the Secretary of War, directs the movements of all the forces placed by law at his command.

6. *Adjudication of water rights.*—Nothing can be found in the records of the office of the Quartermaster General that would indicate that there has ever been an adjudication of the water rights in question. In this connection, attention is also invited to page 562, Hearing No. 12, had on December 15 last.

COMMITTEE ON EXPENDITURES
IN THE WAR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Washington, D. C., Thursday, January 25, 1912.

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

The following members of the committee were present: Messrs. Martin, Bulkley, and Difenderfer.

TESTIMONY OF BRIG. GEN. JAMES B. ALESHIRE, QUARTERMASTER GENERAL UNITED STATES ARMY.

MR. BULKLEY. General, can you tell us to what extent this drainage area at Fort D. A. Russell, from which the water supply is derived, is owned by the Government?

GEN. ALESHIRE. I think I can, Mr. Bulkley, from the records in the office, but I can not tell you here this morning. I think I can tell you from the records in the office. Some of the drainage area is included in what is known as the maneuver reservation.¹

MR. BULKLEY. What is the maneuver reservation?

GEN. ALESHIRE. That is a reservation of considerable extent located about 30 miles from Fort D. A. Russell. It was a timber reservation,

¹ See par. 1, Quartermaster General's memorandum, p. 639.

or, at least, a part of it was a timber reservation, and was turned over to the War Department by the Department of Agriculture, and then certain railroad holdings have been acquired very recently.

Mr. BULKLEY. To make a part of the military reservation, or the maneuver reservation?

Gen. ALESHIRE. Yes, sir. I can give you all that data from the office records.

Mr. BULKLEY. Giving the date when it was acquired?

Gen. ALESHIRE. Yes, sir.¹

Mr. BULKLEY. Is it your understanding that this maneuver reservation is in the drainage area?

Gen. ALESHIRE. Yes, sir.

Mr. BULKLEY. But a part of the land within the drainage area is still in private ownership, is it not?

Gen. ALESHIRE. I would have to look at the records to see.

Mr. MARTIN. You mean, Mr. Bulkley, that it is still in the public domain?

Mr. BULKLEY. I am trying to find out how much of this drainage area is on the public domain?

Gen. ALESHIRE. I am quite certain that I can give you that information, or information along that line, so far as our office records show. Our office records might show that some of it is public domain, whereas the records of the Land Commissioner's office, for example, might show that something had been taken up by settlers that we would not know about, but I can take it up with the Land Commissioner's Office.²

Mr. BULKLEY. What precautions have been taken to protect this water supply against contamination of any kind?

Gen. ALESHIRE. One precaution, and the precaution, is the turning over of that forest reservation to the War Department as a maneuver reservation, which was considered a necessity at the time the transfer was made, and that enables us to police that portion of the drainage area.

Mr. MARTIN. What was the area of that forest reservation which was turned over to the War Department?

Gen. ALESHIRE. I can not recall.¹

Mr. BULKLEY. Can you say whether, in fact, all sheep and cattle have been kept off that area?

Gen. ALESHIRE. Whether they have been kept off?

Mr. BULKLEY. Yes, sir.

Gen. ALESHIRE. I know they have been put off within the last few months, because I know that instructions were issued to put them off.

Mr. BULKLEY. I presume you are familiar with the complaint to the effect that sheep have been running across this drainage area, and have polluted the water supply?

Gen. ALESHIRE. I recall one complaint, and that was immediately acted upon by the Secretary of War, and the Chief of Staff gave instructions to the post commander to take the matter up and correct it.

Mr. BULKLEY. Would it be entirely within the power of the War Department to correct it if there are some private land holdings in there?

¹ See par. 2, Quartermaster General's memorandum, p. 639.

² See par. 1 and par. 3j, Quartermaster General's memorandum, pp. 639-640.

Gen. ALESHIRE. We have an appropriation to acquire all the land that is owned by the railroad or private parties within the maneuver reservation. The purchase of the railroad holdings, which was the bulk of the private ownership, has about been completed. It is practically completed. The acquisition of other private holdings have also about been completed. There are some private holdings we have not been able to come to an agreement about as to the price, but I am quite sure we will be able to acquire them very soon.

Mr. BULKLEY. What you are referring to are additional pieces of property to complete the maneuver reservation?

Gen. ALESHIRE. Yes, sir; the tracts that lie within the boundaries of the maneuver reservation.

Mr. BULKLEY. But if you acquired all the projected maneuver reservation, would you then have all of the drainage area?

Gen. ALESHIRE. I think we would have a large part of it.¹

Mr. BULKLEY. The acquisition of this property is rather with a view of getting an adequate maneuver reservation than with a view of protecting the water supply, I presume?

Gen. ALESHIRE. I think they had both in mind.²

Mr. MARTIN. Is the Government bearing all the expense of acquiring the land to protect the purity of the water supply—that is, in the drainage area?

Gen. ALESHIRE. The Government is bearing all the expense to acquire the land that lies within this maneuver reservation, and that is all the land they are now to acquire to protect the drainage area.

Mr. MARTIN. Primarily this acquisition of land is for maneuver reservation purposes, and it will incidentally protect the purity of the water supply. That would more accurately describe the situation, would it not?

Gen. ALESHIRE. I will look at the wording of the estimate under which funds were appropriated to acquire the land, and, if I am permitted, I will insert that in reply to that question.

Mr. MARTIN. And that will show the purpose?

Gen. ALESHIRE. I think so; it will show the purpose of the appropriation.³

Mr. BULKLEY. Is there any obligation on the part of the city of Cheyenne to protect the purity of the water supply, or to contribute toward the expense of protection?

Gen. ALESHIRE. My recollection is; yes, sir. The Government has no expense in connection with the water supply other than the maintenance of their own distributing system that is in the post.³

Mr. BULKLEY. You just referred to the water sheds, and to the fact that the Chief of Staff had instructed that sheep and cattle be driven from the reservation?

Gen. ALESHIRE. Driven off the military reservation. I do not remember the exact wording of the order.

Mr. BULKLEY. Is it not the duty of the War Department or of the commanding officer at Fort D. A. Russell to protect that water supply, or is it the duty of the city of Cheyenne to do it?

¹ See par. 1, Quartermaster General's memorandum, p. 639.

² See par. 3 j, Quartermaster General's memorandum, p. 640.

³ See par. 3 k, Quartermaster General's memorandum, p. 641.

Gen. ALESHIRE. I do not know whose duty it is. It would be the duty of the War Department to see that stock was kept off any part of our reservation, if the War Department desired them to be kept off.¹

Mr. MARTIN. If you will permit me there, Mr. Bulkley, I want to explain to Gen. Aleshire that that was the idea I had in mind when I asked him whether the Government was expending money directly to protect the source of the water supply, or whether that expenditure was for the main purpose of securing a sufficient maneuver reservation.

So far as I have been able to see up to this time—although I have not been able to give proper examination to what appears in Hearing No. 12—I can not see that the Government has acquired anything in its dealings with the city of Cheyenne in the way of tangible assets or alienable values, such as it has at Fort Logan; apparently all that it has acquired is the right to stay in. The Government there seems to be undoubtedly in the shape of the fellow who takes out assessment insurance. He will never get any paid-up values, and he is obliged to stay in the game always. That seems to be the situation of the Government at Fort D. A. Russell in its dealings with the city of Cheyenne. The Government has paid in nearly half a million dollars there, and I have not yet been able to put my finger on anything that it could sell—certainly not anything it could dispose of in the way of a legal water right. It appears to me that if the Government was to pull out of Fort D. A. Russell to-morrow, under its agreement with the city of Cheyenne and under all its course of dealings with that city, it would have to leave everything there that it has invested, and would not have anything it would have the right to require the city of Cheyenne to pay it for, or that it could sell to anybody else.

Mr. BUCKLEY. I have here two clippings from the editorial columns of the Cheyenne State Leader, one of them dated December 5, 1911, and the other dated December 7, 1911. I would like to read these into the record, and ask Gen. Aleshire, at his convenience, to insert whatever information the department has on this subject and what action has been taken. The first of these editorials is as follows:

CHEYENNE WATER-SUPPLY DRAINAGE FROM SHEEP PASTURE.

A prominent citizen of Cheyenne has just returned from a hunting trip in the vicinity of Granite Canyon. This is near the Government reservation from which is collected the water supply for Cheyenne. It was the idea to gather this water supply from a district largely controlled by the Government, which would insure that nothing would be permitted to contaminate or pollute it. Ordinarily this would be a very plausible supposition.

But in this case it seems no such precaution is being taken, for there has been kept there all last summer and all fall a band of several thousand sheep. These sheep have had their camp close to the reservoir.

The light fall rains have washed the manure from the hillsides and from the camps into the draws leading into this reservoir. The Cheyenne man asserts that it is no exaggeration to say that he saw many places in these draws where the manure was 6 inches deep.

This filth is simply deposited in these draws, where it will be carried into the reservoir by the spring torrents from melting snows.

Now, the editor of the Leader will not, just now, undertake to say who is responsible for this disgusting pollution of Cheyenne's water supply. Should he do so our contemporary would charge us with slinging mud or with injecting politics into the water question.

Well, most of us would rather stand for a little clean mud than to swallow the deception likely to be offered us next spring unless something is done now to prevent it.

¹ See par. 3 a, b, c, d, e, f, g, h, i, and k, Quartermaster General's memorandum, pp. 639-641.

The Leader regrets to bring this disagreeable matter to public attention. But there may be a way to prevent this filth from being carried into the reservoir. And if so, no time should be lost in doing it.

I will now read the other editorial:

SHOULD BE INVESTIGATED.

Attention was called the other day to the fact that the range in the vicinity of the Granite Springs Reservoir, from whence Cheyenne derives its water supply, had been used as a pasture and watering place for thousands of sheep the past summer and fall.

The conditions of filth mentioned have since been fully confirmed by a number of other people who have been on the ground. Even worse. It is claimed by some that they have seen the dead carcasses of sheep left to decay on the hillsides in the vicinity of the reservoir.

Now, the Leader has no desire to be sensational in this matter. But in the name of the people of the city of Cheyenne it demands an investigation and that whatever dangerous conditions may exist around the reservoir shall be remedied. The greatest care is exercised by cities everywhere in keeping the watershed from which the people get their water supply absolutely free from pollution.

So important does the great city of New York regard this that it has purchased a large section of the Catskill Mountains, so as to insure that the water can not be defiled by man or beast.

Entire towns and farmsteads were bought and cleared away so that nothing but the purest of water would flow into the great reservoir at the foot of the mountains.

I notice that both of these editorials carefully steer away from the question of where the responsibility lies to keep that water supply undefiled, and it would be interesting to know who ought to do that.

Gen. ALESHIRE. I can answer it in the record. That was about the 1st of December?¹

Mr. BULKLEY. Yes, sir; December 5 and 7, referring back, of course, to all summer.

I think it is hardly worth while to go ahead with further questions, as the General has to consult his records to answer this matter.

Gen. ALESHIRE. My recollection is—in fact, I am positive—that the matter was brought to the attention of the War Department that there was stock on a part of the reservation, and I know that steps were taken to put them off. That is what I would like to be certain about, and I would like to look up the record and see just what action was taken.²

The CHAIRMAN. General, when you were before the committee on December 15, 1911, among other things you were asked for a copy of the recommendation or the order of the board that recommended the conversion of Fort D. A. Russell from a regimental post into a brigade post. At pages 574 and 575 of Hearings No. 12 I note that a reference was made to a board of officers who were appointed to consider and report upon the location and distribution of military posts required for the proper accommodation, instruction, and training of the Army, as organized under the act of February 12, 1901, not including coast fortifications.

Gen. ALESHIRE. What page is that on?

The CHAIRMAN. That is on page 574. That seems to be the only reference or attempt to answer that question, and this report seems to refer more particularly to permanent posts than to any other feature?

¹ See par. 4 a, b, and par. 3 k, Quartermaster General's memorandum, p. 641.

² See par. 3 g, Quartermaster General's memorandum, p. 640.

Gen. ALESHIRE. Yes, sir.

NOTE.—As to the designation “brigade post,” see memorandum for the Acting Secretary of War, page 584, Hearing No. 12, had on December 15 last.

The CHAIRMAN. What I think the committee desires to have furnished it is a statement of the authority for converting Fort D. A. Russell from a regimental post into a brigade post. Where did that authority come from?

Gen. ALESHIRE. I can follow this up, Mr. Chairman, and see if I can find the authority, step by step, for the increase of the garrison. This makes the garrison there consist of 12 companies of Infantry and a battery of Field Artillery.

The CHAIRMAN. That is not a brigade post?

Gen. ALESHIRE. A brigade post would consist of two regiments of Infantry, and it might consist of almost any mixed command and be designated a “brigade post”; but I understand the desire of the committee to be to know by what authority the present garrison has been put there and under what authority the buildings have been constructed. I will see if I can find the authority for that, step by step.

The CHAIRMAN. What I think the committee is more particularly interested in is to know if the War Department can convert every post in the United States—that is, every small mobile Army post in the United States—into a brigade post at its volition, if it has the funds to do so.

Gen. ALESHIRE. I think there is no law that would prohibit it; no, sir.¹

The CHAIRMAN. Would you not consider that rather a loose rein to hold?

Gen. ALESHIRE. I wish you would excuse me from answering that. I have no right to express an opinion as to what the Secretary of War may do.

The CHAIRMAN. When were you at Fort D. A. Russell last, General?

Gen. ALESHIRE. I think it was some time last fall—I think last November.

The CHAIRMAN. Within a year?

Gen. ALESHIRE. Yes, sir; within a year—during the past year.

The CHAIRMAN. Did you visit these reservoirs?

Gen. ALESHIRE. Yes, sir; I visited some of them.

The CHAIRMAN. How many did you visit?

Gen. ALESHIRE. I visited the Grant Springs Reservoir. I have forgotten the names of all of them, but I visited three, and possibly four of them.

The CHAIRMAN. How many are there in all?

Gen. ALESHIRE. I think they contemplated——

The CHAIRMAN (interposing). How many are there now, or how many were there at that time?

Gen. ALESHIRE. I think there were four.

The CHAIRMAN. Was the purpose of your visit to inspect the reservoirs or the water system?

Gen. ALESHIRE. That trip, as I recollect now, was made to look into the acquisition of the land lying within that maneuver reservation. I met there the land commissioner of the Union Pacific Railroad, and

¹ See par. 5 a, b, c, and d, Quartermaster General's memorandum, pp. 641-642.

went over this reservation with him and others, and in going to this reservation we passed these reservoirs.

The CHAIRMAN. What was the condition of the reservoirs as to water supply?

Gen. ALESHIRE. The first reservoir was almost full. The Grant Springs Reservoir was not full. I did not go down to it, but simply saw it from a distance. I did not see it, but I understood that there was not a great quantity of water in it, but that it was filling. Then, there was another reservoir that had been completed, and they were just about to turn the water in it. The water was being taken above the third reservoir and they were doing, as I recollect, work on some portion of it, but there was a water supply from it. I do not remember the condition of the fourth reservoir.

The CHAIRMAN. I notice in Hearings No. 12, had on December 15 last, a reference to precipitation and rainfall, and reports made on that subject, all of which tend to show that there has been since 1871 what seems to have been an ample and sufficient supply of water; yet, all through the reports made by the officers, it crops out that there has been a shortage of water. I have not the names of the officers who made these statements, but they are made in the reports, and they have heretofore been made before this committee—that there has been a shortage of water. What confidence do you place in these reports that are made by these Weather Bureau stations? Has the department, if you know, acted on the data that has been furnished by the Weather Bureau stations in making these expenditures for the purpose of obtaining a supply of water, or have they acted on these actual facts stated by the officers who have inspected and reported as to the supply of water? Which data do they depend upon?

Gen. ALESHIRE. The shortage of water in the past, I think, was due not to the fact that there was not a sufficient rainfall and snowfall, or that a sufficient water supply could not be had from this watershed, but to the fact that there was no way of conserving the water, and that seemed to me to be the reason that it was considered advisable for the War Department to take the action they did take. I should think that if we could not depend on the reports of the Weather Bureau as to matters of that sort, it would be rather questionable whether we could depend upon the reports of any of our Government bureaus. I should think that would be reliable information, and the fact that we did not bring all that water supply together, I think, would not indicate that the reports of the Weather Bureau were unreliable.

The CHAIRMAN. I will put the question to you this way, then: Prior to this last expenditure in the construction of the last reservoir, and before Fort D. A. Russell was converted into a brigade post, you did have the facilities for storing this water and conducting it to the post when it was a regimental post, did you not?

Gen. ALESHIRE. No, sir; we had primitive facilities. We had a dam across the creek, practically at the post, and the subdrainage was collected in cisterns, and the result of that was that the water would back up behind this stone wall or dam, and from there we pumped it into the post.

The CHAIRMAN. Steps were taken to make Fort D. A. Russell a regimental post, and necessarily a supply of water for a post of that

size or grade was considered, and while the post was a regimental post, notwithstanding the efforts that were made to impound a supply of water sufficient for a regimental post, you did have trouble in obtaining water all the time that it was a regimental post, did you not? Do not those reports show that to be the fact?

Gen. ALESHIRE. Generally speaking, yes, sir; there was an effort to supply water in the manner I have stated, and by wells.

The CHAIRMAN. The wells were failures, were they not?

Gen. ALESHIRE. Yes, sir.

The CHAIRMAN. Do you desire to ask any questions, Mr. Martin?

Mr. MARTIN. I was not present, Mr. Chairman, when you had the hearings published in No. 12, and my time has been so utterly engrossed since I came back from Panama with the Committee on Interstate and Foreign Commerce, which has been holding daily hearings and all-day hearings, that I am not in shape to question Gen. Aleshire as thoroughly as I would like, and I do not think it would add anything to the knowledge of the committee or to the record to do it in a haphazard way.

You have not been out there, have you, General, since we have been conducting these hearings?

Gen. ALESHIRE. No, sir; I have not. When did these hearings begin?

The CHAIRMAN. In the month of June.

Mr. MARTIN. You do not know of your own knowledge what the condition of the reservoirs is now with reference to water supply?

Gen. ALESHIRE. No, sir; but I will be glad to send our civil engineer out there. I will send Mr. Humphrey out there, although it is a rather bad time to make an inspection.

The CHAIRMAN. This is the time of year at which it would make its best showing, would it not?

Gen. ALESHIRE. No, sir; I should think everything would be frozen up out there.

Mr. MARTIN. I have understood that the sufficiency of the water supply was still a matter of doubt. I have had my attention called to some recommendations made by the city officials of Cheyenne going to show how the water supply per capita could be reduced there, and stating that whereas they are now using something like 167 gallons per capita daily, experiments made or conditions established elsewhere showed that they could get along with 80 gallons. There is also a question raised as to whether they will have to continue to supply the Union Pacific Railroad Co. with water, and various other suggestions are made going to show that the issue of a certain and sufficient water supply for the city of Cheyenne and Fort D. A. Russell is still in doubt and a rather uncertain one. I have already suggested that, so far as I can see, the Government has not made any investment there that it can realize upon—certainly not any water investment. But that ought to be supplemented with the further observation that it appears that what water rights the city of Cheyenne has got were very largely obtained from the Government.

Now, this agreement that the officials of Fort D. A. Russell entered into in 1884 with the city of Cheyenne in express terms conveyed a water right to the city of Cheyenne. It gives them the right to build and maintain a dam and reservoir, and to construct a ditch or pipe line leading therefrom; that is, from a point on Crow Creek,

where the Government had been theretofore diverting its water supply, and then to run this ditch or pipe line across the Government reservation. The Government granted lands to the city of Cheyenne for the dam and reservoir site, and it is perfectly evident that the Government had the water right there. It was not an adjudicated decree, but the Government had by diversion and use; that is, the Government had by appropriation and use established a claim to that water which was indefeasible, and to which it could at any subsequent time, if its right was ever questioned, go into court and secure to itself forever by decree a title, which would have been alienable, the same as real estate, and would have been, in my judgment, a very valuable piece of property. In so far as they could, the officers at Fort D. A. Russell, who entered into this agreement with the city of Cheyenne, surrendered and gave over to the city of Cheyenne the Government's water rights. I do not take the position that they could effectuate any such waiver or abandonment or alienation of the Government's right, but what I mean to say is that in so far as they could, and apparently without any realization of what the result of their action was, they sought to do what, if done with property owned by a private individual, would have resulted in the complete divestiture of the Government's water rights established in the way that water rights are established under the irrigation laws, to wit, by appropriation and beneficial use.

The CHAIRMAN. Do you wish to question the general any further, Mr. Martin?

Mr. MARTIN. Not at this time, for the reason that I have stated, but I feel like this, Mr. Chairman—

The CHAIRMAN (interposing). Do you want this in the record?

Mr. MARTIN. Yes, sir; I feel like stating into the record what the propositions are that the War Department ought to be called on to meet with reference to this matter.

Mr. BULKLEY. That proposition is in the record.

Mr. MARTIN. Well, I think that could be gathered from a good many pages of testimony.

Now, in short, the proposition is this: Long prior to 1884 Fort D. A. Russell had been drawing its water supply from Crow Creek. It had built a dam across Crow Creek at this point, and had run a ditch and had a sufficient distributing system to supply the needs of Fort D. A. Russell, such as they then were. That right, in its origin, in its perpetual continuance, in its development into a legal and valuable water right, was not dependent on the city of Cheyenne or anybody else. So far as the record discloses up to this time the Government had done all that any owner or user of water in the irrigated regions is called upon to do in order to acquire a title to water. Now, at that point they entered into this agreement.

The CHAIRMAN. Would not this be more in the nature of an argument to be made on the floor of the House rather than in the committee room?

Mr. MARTIN. Well, I will make it very short. I will simply say that that condition existed when this agreement was entered into with the city of Cheyenne, and the relationship established which up to this time has been largely at the expense of the Government, but largely to the benefit of the city of Cheyenne, the Government apparently acquiring or possessing no alienable interest whatever.

You can take the Fort Logan water rights, as shown here in the record, and dispose of them. They might be disposed of for more than they cost the Government, and, as time goes on, the water right becomes more valuable. It is the great thing of value in that country; there is nothing so plentiful and worth so little as land in that country, and nothing that is so scarce and worth so much as water. So that, for the \$22,000 the Government has spent at Fort Logan on water rights it has got more in the shape of tangible assets than it has for an expenditure of \$400,000 or more at Fort D. A. Russell. Now, if that is the situation, it looks to me like the War Department ought to institute proceedings which would clearly define and establish what the rights of the Government are in the water system at Fort D. A. Russell.

The CHAIRMAN. Has there been an adjudication of the water rights?

Gen. ALESHIRE. I do not recall, but I think there has been; yes, sir.

The CHAIRMAN. I wish you would look that up.¹

Gen. ALESHIRE. Yes, sir; I will do so. I think I can make a statement as to the water supply system at the time to which Mr. Martin referred, in 1884. I think I can give a brief statement that will perhaps give a better understanding of just what it was.

The CHAIRMAN. Well, if you desire to do so, go ahead with the statement.

Gen. ALESHIRE. I mean that I can put it in the hearing, if you will permit me.

The CHAIRMAN. Do you desire that, Mr. Martin? I think that information has already been supplied. I think it is already in the record.

If there are no further questions, General, we thank you for your attendance.

Thereupon, at 11.30 o'clock a. m., the committee adjourned.

¹ See par. 6, Quartermaster General's memorandum, p. 642.

**COMMITTEE ON EXPENDITURES
IN THE WAR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
*Washington, D. C., January 24, 1911.***

The committee met at 10.30 o'clock a. m.

Present: Representatives Helm (chairman), Hinds, Bulkley, and Speer.

**STATEMENT OF MAJ. GEN. LEONARD WOOD, CHIEF OF STAFF,
UNITED STATES ARMY.**

The CHAIRMAN. General, we have asked you to come up here and give us some information about the method of account keeping and the paper work of the War Department. I wish you would go as far as you please in explaining the methods you have in use along that line.

Gen. WOOD. I shall be very glad to give you, Mr. Chairman, if you will permit me, as full a statement as I can.

The CHAIRMAN. You may go as far as you will.

Gen. WOOD. I have asked Capt. Moss and Capt. Hanna to bring with them to-day certain exhibits which will illustrate the type of work we are trying to do. It can be stated in a general way that the paper work in the Army is unnecessarily expensive and complicated; that the number of reports and returns now required is so great as to become a serious burden upon the officers and the enlisted and civilian clerical force of the Army, and constitutes a real impediment to military efficiency.

In connection with the Cleveland commission, we have a committee in the War Department known as the board on business methods, consisting of The Adjutant General, the Chief Clerk and Assistant of the War Department (Mr. Schofield), Gen. Wetherspoon, Gen. Garlington, and Capt. Hanna. This board has had referred to it various inquiries from the Cleveland commission relative to matters concerning War Department methods, and in order to take advantage of the opportunity offered by this board, which was constituted in September, 1910—that is, the War Department board—we called upon the officers throughout the service to submit recommendations looking to a simplification of the Army paper work without losing any of the elements necessary for correct accounting or necessary for reasonably complete records. There is a point in all paper work beyond which it is unprofitable to pass, and all departments have to decide what that point is. That is to say, there are certain kinds of information which may be useful at long intervals, which it is not worth while calling for and recording, because there are other

ways of getting it. There are certain kinds of information which we must have always at hand, and we have been attempting to reduce the Army paper work to the lowest limit consistent with securing this information with efficiency in other directions.

Mr. HINDS. Is that paper work paper work that would go with the Army in the field?

Gen. WOOD. No; it would not. That question brings out a very important point. Our system of paper work in time of peace should be such as to be readily adaptable to war conditions. This is not true of our present system, which is so cumbersome as to be absolutely impracticable in time of war without maintaining such a force of clerks and typewriters as would be not only impracticable but extravagant. We are trying to boil down the paper work of the Army to a point where it will be efficient in time of peace and workable in time of war, and to cut out all unnecessary returns. We find that there are reports that have grown up through calls for certain classes of information which may have been important at the time, but which have been continued although they have become unimportant. It is to reports of that kind that I referred when I said that there is certain information which, while interesting, is not worth what it costs to assemble it at stated periods, for it can be gotten when wanted with less labor and expense.

We have been working on the property returns of organizations, and can illustrate this phase of the work by the following: An infantry company of 100 men, assuming 100 as an arbitrary number, has certain articles of equipment, such as rifles, bayonets, belts, cartridge boxes, canteens, and many other things, in all more than 100 different kinds of articles. We have decided to fix upon a unit equipment for an infantry company, and instead of reporting on the returns the things that that company has—perhaps several hundred—we will report, "One infantry equipment, complete," less a few things which it happens to be short of, thereby reducing the work enormously.

In an artillery district engineer's return, where several thousands of articles are to be accounted for, the accountable officer will simply report a complete equipment of a certain type and also the articles short. We have also taken up and considered the advisability of reducing the frequency of returns for property and making returns only when accountability changes, instead of making returns at stated intervals.

The CHAIRMAN. General, if it does not disconcert you, I would like to inquire whether these conditions that you have been speaking of exist solely in the military establishment, or do they also apply to the civil establishment of the War Department?

Gen. WOOD. They relate with equal force to the civil establishment; that is, to the civilian clerical force of the Army.

Mr. HINDS. How long has this system that you have been growing up?

Gen. WOOD. It really has been growing up since the organization of our Army.

Mr. HINDS. That is from the times of Gen. Steuben?

Gen. WOOD. Practically. We have had various boards and certain reforms have been effected from time to time. Some of them have been permanent, but others have not, and I think that to-day we

have a more extensive and a more complex system of paper work than ever before during my service in the Army.

Mr. HINDS. Assuming Gen. Steuben's elementary organization as a unit, what would be the ratio of the Civil War paper work, for instance, to the present paper work?

Gen. WOOD. I fear that question can not be answered with sufficient accuracy to make the answer of any value. Before it could be answered at all, a search would have to be made into such records of the Revolutionary period as may still be available, and I doubt whether this could be done without such expenditure of time and labor as to make it inadvisable. I would say that our paper work to-day is at least double that which could be kept up in time of war.

Mr. HINDS. In the Civil War?

Gen. WOOD. Yes, I should say, because when war comes we will simply have to drop this system.

Mr. HINDS. Does the greater use of the telephone and telegraph in field operations enable you still more to cut out paper work?

Gen. WOOD. Yes; we can cut out a great deal. That question calls to my mind the reform which we are trying to make in post administration. In all our posts we find an enormous amount of paper work wholly unnecessary. The commanding officers have gradually gotten into the habit of putting on paper unimportant things. Instead of sending for an officer and giving him verbal instructions they have dropped, perhaps unconsciously, into the habit of writing a letter and making it of record. In a civil concern you would simply send for one of your assistants and say, "I want you to do this." As a result of this and other abuses our paper work in the line of the Army has grown up beyond all reason, and as a natural consequence the clerical work at department headquarters, division and Army headquarters has increased.

Mr. HINDS. Now, what is the practical effect when you take the Army from its posts; when you took the Army to Cuba, what was the practical effect?

Gen. WOOD. The practical effect there, sir, was that in the War Department the old business methods virtually stopped except the direct transaction of business. You can get on that subject some most interesting testimony from the present District Commissioner, Gen. Johnston, who was then an assistant in the War Department. I was talking with him about conditions the other day and he told me they simply had to give up the system then in force, and get right down to a system of direct reply to inquiries and requests, oftentimes by telegraph. The system broke down.

Mr. HINDS. Of course, it was a source of confusion and uncertainty?

Gen. WOOD. It was a condition of chaos.

Mr. BULKLEY. Has that been simplified in any way since?

Gen. WOOD. No; there have been few changes. It is with a view to getting down to a simple system, the simplest consistent with efficiency and at the same time adapted to field operations, that we are making all these attempts at reform.

Mr. BULKLEY. Prior to your present investigation, has there ever been a comprehensive study of the subject?

Gen. WOOD. A number of investigations have been made by boards, and certain reforms have been instituted, but they have not been, in

my opinion, comprehensive. But there is always a tendency after one of these investigations to drift back to the old order of things.

Mr. BULKLEY. That is, the boards have made recommendations which have not been carried out in fact?

Gen. WOOD. Yes. They have been carried out partially, but constantly there has been a tendency to run to expensive and complicated systems of returns which are very convenient in the various departments of the War Department, though a tremendous burden of clerical labor upon the Army.

Mr. HINDS. Now, you have two distinct parts to an army, as I understand it. You have what we might call the administrative or fighting force, and also the commissary or feeding force. Now, will this same skeleton arrangement of the Army work well in the commissary department?

Gen. WOOD. Yes; in all departments—administrative and supply, commissary, quartermaster's, ordnance, medical, inspector, signal, pay, and judge advocate, and, above all, the Adjutant General—we are trying to simplify the paper work, and we are getting very good assistance from these bureau chiefs. I think nearly all of them are anxious to simplify the system.

Mr. HINDS. You can do that without running any danger of irregularities?

Gen. WOOD. Oh, yes; that we are very careful about. We are trying to get down to a system such that we can insure the Government all reasonable protection, and reduce, of course, the clerical force, enlisted and civil, here in Washington and elsewhere.

Now, as to that, I testified last year before you gentlemen, or before some committee, that we would make a reduction in clerical work of \$250,000 in expense as a result of a consolidation of administrative work at division headquarters. We have already, in six months, brought about a reduction amounting to nearly \$220,000, and I think we shall be able to do a great deal more. This reduction has resulted mainly from a simplification of the correspondence system at the department headquarters. We have practically wiped department headquarters out as correspondence centers, and the department commanders are now charged principally with the duties of instruction and inspection of their troops. Correspondence has been centered and to some extent simplified at the headquarters of divisions.

Mr. BULKLEY. That is an annual saving, is it?

Gen. WOOD. It is an annual saving, but it is an insignificant amount in comparison with what I think we can do when we are able to accomplish a thorough simplification of our methods of paper work. Opportunity for economy in this matter is to be found in all phases of administration—in the matter, for instance, of the publication of orders—

Capt. HANNA. That is a set of general orders for one year. [Exhibiting a package of papers.] They have been considerably cut up to illustrate another point, but they are all there.

Gen. WOOD. General orders emanating from the War Department alone.

Capt. HANNA. At the same time we have here [exhibiting another package] the Navy general and special orders combined for three years. Our package of special orders for this same year is perhaps

half as large again as this, but this package of Navy orders combines general and special orders for three years. You see there [indicating] the general orders of the Navy for one year, and there again are the general orders of the Navy for another year.

Mr. BULKLEY. Let me suggest that, in order that it may appear in the record, you state the relative size of the package of Navy general orders.

Capt. HANNA. It appears to me that the Navy general and special orders for three years are just about equal in size to the War Department general orders for one year. That is, the package of Navy general orders for one year, to my mind, is about one-eighth, or one-sixth the size of the package of Army general orders for one year.

Gen. WOOD. That is only a side issue.

The CHAIRMAN. The conclusion is the Navy has a less amount.

Gen. WOOD. Yes; and a better method.

Mr. BULKLEY. Is there any reason for the difference between the Army and Navy work?

Gen. WOOD. I think the Navy has adopted simpler methods.

Mr. HINDS. I would like to ask, General, if there is any reason for the greater simplicity of the Navy method, that you know of; that is, whether there have been certain minds in direct control of the Navy Department that have perhaps more fully appreciated than have the War Department the necessity of simplicity?

Gen. WOOD. I believe that the simpler methods in force in the Navy have been brought about largely through the influence of the Navy method of detail in Washington. Nearly all the Navy officers on duty in Washington come here directly from duty afloat, fully alive to the needs of the fighting branch of the Navy and the desirability of the simplest possible forms of paper work. These officers come here for only 4 years, as a rule, and sometimes for a lesser period, and their predominant idea is the fighting efficiency of the Navy. They have taken a practical view of the paper work, which is, after all, only a subordinate feature of the naval establishment. These officers are not in any way imbued with the bureau idea. They come here as representatives of the fighting branches of the Navy, their energies are largely devoted to the improvement of naval personnel and material, and they have evolved, to my mind, simpler, better, and far more efficient methods—efficient because less expensive, and yet sufficient to answer all the purposes of the Government.

Mr. HINDS. In other words, is it true—and your answer seems to suggest it—that practically the Navy is at war all the time; that is, with regard to everything except a little shooting of the guns? They have to meet the perils of the sea and the exigencies they would meet in war most of the time?

Gen. WOOD. Your question can be answered in a single word: Yes. I can state further that the condition which exists in the Navy in that particular is exactly the one that all of us who are interested in the Army's welfare are trying to establish in the Army. It is with this in view that we are struggling for the concentration of our posts, so that our troops may be trained and ready to move out at a moment's notice. The ships of the Navy, when in commission, are fully manned, fully supplied with ammunition, and ready to respond to orders by cable at any time, at any port in the world, barring, of

course, the necessity of resupplying with coal or other supplies. In other words, they are always on a war basis.

Mr. HINDS. In other words, our Army is continually tending to lapse into sedentary life?

Gen. WOOD. That is absolutely true, due very largely to the dispersing of the Army over wide areas; the tendency toward too great weight being given to the surroundings of domestic life in our military posts, tending to subordinate the military idea to what I might call the domestic one. Officers unconsciously come to regard the conveniences of the post as one of the most important features of their everyday life and the immediate preparedness of the Army for the field is lost sight of; it is lost sight of without intention and quite unconsciously.

These things make it all the more necessary in the Army for all the officers to struggle against influences tending to subordinate the military idea.

The CHAIRMAN. This batch of special orders that you have exhibited to the committee—can you tell the committee how much unnecessary correspondence that represents, as well as the unnecessary expense it entails?

Gen. WOOD. I will let Capt. Hanna answer the question.

Capt. HANNA. I can not give you the exact figures or even an accurate approximation, but I can give the committee a fair idea, from which you can judge for yourselves what it would be. Under the present system about 15,000 copies of each of the general orders—in that entire volume—are published and distributed to different persons and offices. They may not all be distributed, but I believe about 13,000 of each of those orders are distributed. Now, it is plain that if you can do away with the publication of a lot of those orders, or if you can give a more limited distribution to a great many of them there will be a real saving in labor and a real economy. Under the system which we propose as a substitute for the present one, that bunch of orders that you see there, probably one-fourth or one-fifth of the entire book of general orders, would have been published last year as special orders, and instead of making 15,000 or 16,000 copies of each of them there would have been made from 50 to 100 copies. In other words, there would have been a reduction in the cost of printing, typesetting, and clerical work incident to the publication of those orders and distributing them to the service and the expense of transporting them through the mails, would have been eliminated.

Mr. BULKLEY. You say about how many orders you have there?

Capt. HANNA. I can not say, but I can say this as an illustration for every page of one of those orders that is given a limited distribution instead of a distribution to 15,000 people, there is a saving of approximately 15,000 pages of printing, and that means 100 books of 150 pages each. So the elimination of a single one of those pages means the elimination of 100 books of 150 pages that would not be printed and not sent through the mails and distributed.

The CHAIRMAN. How many men under the present régime does it take to handle what you are exhibiting to the committee?

Capt. HANNA. I do not know, sir.

The CHAIRMAN. Approximately how many?

Capt. HANNA. I can not even say approximately. They are printed in The Adjutant General's office and I have no data.

Mr. HINDS. You say there are 15,000 of each?

Capt. HANNA. Yes, sir; approximately.

Mr. BULKLEY. Are those mailed from The Adjutant General's office?

Capt. HANNA. Yes, sir; all mailed from The Adjutant General's office, excepting those sent to the Organized Militia.

Gen. WOOD. With your permission, I will now read the paper I have here which is a more complete statement of this subject:

The investigation into the paper work of the Army was begun because of a well-established impression that the present system of paper work is making demands on the time of officers and enlisted men out of all proportion to the requirements of good military administration and is costing more than is necessary. The attainment of a high standard of efficiency in the Army demands that the paper work of the Army should be reduced to the minimum, thereby enabling officers on duty with troops to devote the maximum amount of time to the instruction of their organizations, and insuring a paper system of such simplicity as to warrant the belief that it will stand the strain of war. The system as it exists to-day does not fill these requirements. From time to time in the past efforts have been made to reduce the volume and simplify the complex system of military correspondence, returns, etc., with a certain amount of success, but each effort was followed by a long period marked by inaction and lack of supervision, during which it was not the particular business of any properly designated officer to keep a careful scrutiny over the whole subject. The result was that abuses crept into the system, and it speedily returned to its former condition of extravagance and complexity, entailing inefficiency and lack of economy. In entering upon the present investigation it was determined at the outset to give it a thoroughness which did not mark former investigations. It is only by constant vigilance that the paper work can be kept to a minimum, and it is the intention to have one or more officers of the General Staff devote their whole time and attention to this matter in the future, with the idea of preventing abuses, instead of removing them after they have been introduced into the system.

In the latter part of 1910, division, department, and post commanders were ordered to reduce correspondence at their headquarters to the minimum consistent with efficient administration, and post commanders were ordered to dispose of matters of routine, as far as practicable, by personal interviews with individuals concerned at such hours as would not interfere with the instruction of the command. These orders were issued because it is known that a certain amount of the unnecessary paper work of the Army is due to the requirements and faulty methods of division, department, and post commanders. For example, it is not uncommon for a post commander to write an officer serving at his post a letter on some trifling matter which could be settled as well or better by a personal interview. Also, it is known that much unnecessary paper work is due to a highly centralized system of administration which shifts responsibility from lower to higher commanders, a system objectionable not only because of the added paper work that results, but also because it is fundamentally unsound from the standpoint of efficiency in general. The creation of territorial divisions was the first step in the correction

of this abuse of overcentralization, and if this could be followed by the organization of the higher tactical units it would be a fairly simple matter to place responsibility where it belongs—on the shoulders of the commanders of the organizations concerned.

But the system of reports, returns, correspondence, etc., which has grown up at the War Department is responsible to a still greater extent for the great mass of useless paper work required of officers in command of troops. Accordingly, at the same time that the orders above referred to were issued, machinery was put in operation for modifying this faulty system at the War Department. On December 30, 1910, the following instructions were sent to division, department, post, and regimental commanders, and the chiefs of the permanent staff corps:

The Secretary of War directs that you submit without delay recommendations looking to the simplification and reduction of official correspondence and a reduction in the number and frequency of returns, reports, etc., and to the doing away with all returns and reports which you do not consider necessary. In brief, to a radical reduction in the amount of the paper work of the Army, which is believed to be unnecessarily large, intricate, and cumbersome.

Later, a similar communication was sent to some individuals not included in the above. In making this call for recommendations the Secretary of War took cognizance of the fact that no true reform in the system could be had that did not give full weight to the opinions of those who bear the real burden of the work. In reply, recommendations covering every phase of the paper work of the Army were received from every division, department, post, and regimental commander, the chiefs of the permanent Staff Corps, and a great many individual officers of the Army—in all, several hundred separate recommendations. These recommendations suggested changes in the reports, returns, etc., of every bureau of the War Department; accordingly they were referred by the Secretary of War to the heads of the various bureaus for their remark. The original recommendations and the remarks of the chiefs of bureaus were then analyzed and carded for consideration and action. This process is now nearly completed, but it will be many months before all of the recommendations made can be definitely acted upon.

In this work we have had the assistance of the War Department board on business methods, which was appointed to cooperate with the President's Commission on Economy and Efficiency. In its deliberations on this matter the board first took up the consideration of part of the recommendations affecting The Adjutant General's Department, in all 197 separate recommendations. The board had before it the memorandum of The Adjutant General stating his opinion with respect to these 197 recommendations. In this memorandum The Adjutant General disapproves 134 recommendations, gives a qualified approval to 48 recommendations, or states that they are not understood or too general for recommendation and should be referred to other bureaus, etc., and approves 15 recommendations of a minor nature. In view of these opinions of The Adjutant General, the majority of the board concurred in the recommendations of The Adjutant General with five minor exceptions. One member of the board dissented from the majority report and submitted recommendations radically different from those of the majority of the board. In view of this difference of opinion in the board, the Secretary of War

submitted to a committee of the General Staff for further investigation the recommendations concerning which there was a difference of opinion. As the result of this investigation, extending over a period of about eight months, changes in the paper work of the Army, as affected by the requirements of the Adjutant General's Department, have been and are being perfected which will make a material reduction in the volume of paper work in the Army. Some of these changes are:

Combination of the individual service and efficiency reports into one blank and changing the date of rendition of this report from the summer season, when officers frequently are in the field and separated from their records, to the winter season, when they usually are in Army posts; radical changes in the form of correspondence; revision of the company return; revision of the post return; revision of the regimental return; revision of the department return; revision of the descriptive list; and the abolition of the muster roll in its present form.

Gen. WOOD. I wish at this point to have Capt. Hanna explain the changes to be made in our method of letter writing.

Capt. HANNA. Perhaps I can best explain the change by comparing the old and the proposed methods. Here is a fair illustration of the present method of correspondence [producing a document].

This is the letter as written by the sender. On reaching the first office of record, it is stamped and briefed on this fold. It is referred to various offices or individuals for remark, and their remarks constitute the various indorsements written as you see here [indicating] across these narrow folds of the paper—the first here, second there, third there, and so on. When the available space on these folds has all been used up, additional indorsements are written on narrow slips and pasted on the back, as you see here [indicating]. It is rather complicated. There are 19 indorsements on that paper.

As a substitute for that it is proposed to write the letter as you see it here. We will suppose that the letter comes to me, and I put on it the first indorsement. Instead of writing it on the back of the letter, as is done now, I put the letter in the typewriter, and I write my first indorsement right beneath the letter in the simplest manner possible and send it to the next man for the second indorsement. We will suppose that the original letter and my first indorsement have filled the original sheet. In that case the person to whom I have referred the letter takes a sheet of paper and writes his indorsement exactly as if he were writing a letter, and sends it to the next man, who writes his indorsement immediately beneath the second indorsement there. The second and third indorsements take up only a part of the sheet. The letter now goes to the fourth man, who takes the same sheet and puts it in the typewriter and writes his indorsement below the third indorsement, and so on until the letter has completed its journey. You can read the completed document as you ordinarily read a four or five page letter.

Gen. WOOD. For a typewriter to make such a number of those short lines is a tremendous waste of time. The typewriter can do double work with this system.

Capt. HANNA. That is the essential change in the new correspondence system. There are many minor changes which are improvements over the present system, but that is the essential one.

The CHAIRMAN. You have stated in connection with the first exhibit there that there were 19 indorsements on it?

Capt. HANNA. Yes, sir.

The CHAIRMAN. Is it possible to perform the work that the exhibit indicates by a less number of indorsements? Do I understand that that paper went to 19 different persons?

Capt. HANNA. Yes, sir; before the communication was ready for final decision and the case was finally terminated. Perhaps it did not go to 19 different officers; it may have gone to some officers twice, but it had 19 separate indorsements made on it on 19 different occasions before the case was finally settled.

The CHAIRMAN. Taking that as type of the method you propose to inaugurate, does it reduce the number of men who have to handle such a paper as you are exhibiting?

Capt. HANNA. There is nothing in the method that will cover that, sir. That is a matter of administration and has nothing to do with the correspondence.

Gen. WOOD. There is a change being made. Instead of having an officer who simply transmits a paper make a full indorsement, we are letting him stamp the paper and send it on. We hope to reduce ultimately the number of men who handle the paper, but that is pretty radical and we have to go slowly.

Capt. HANNA. The advantages of this system can still better be seen in a paper such as this [indicating] which has on it 57 indorsements.

Gen. WOOD. This lies flat and the typewriter writes lengthwise the fold in the paper. You avoid all this pasting, you know. You take flat sheets one right after another.

(Gen. Wood resumes the reading from the printed paper.)

At the same time, with the cooperation of the Paymaster General's Office, the pay roll is being revised, and a new blank form is being prepared which greatly simplifies the final statement of the soldier (the form on which the soldier is paid on the termination of his service) and combines it with a form of the Paymaster General's Office. These changes are being made only after the most thorough investigation and an actual try out of the proposed form in the service. For example: The new pay roll was given a test in a trial payment in the Washington pay district in November. This revealed defects which led to further modifications of the roll, and a second trial in the same pay district in December. All officers who used the roll in this trial were called upon for suggestions that would further improve it. The roll was finally completed and is now in the hands of the printer and should be issued to the service in the near future. In this work it was found that a number of entries made on the pay roll, at the expense of much labor and time, serve no useful purpose anywhere and continue to be required only because no energetic effort had been made to take up the entries, item by item, and investigate into their importance or necessity. Almost without exception officers who used the roll in the trial payment reported a saving of work over the old roll of 50 to 66½ per cent. Similar trials are to be made as far as practicable with all other forms. In the cases where a trial is not practicable the completed form is sent to a large number of officers in the service for criticism, then the form is further perfected and again subjected to the same sort of criticism.

Capt. MOSS. This is the old pay roll [indicating], and this is the new one. The new roll contains, in the main about the same information, the same data, but it is expressed in much fewer words, because we have adopted quite a comprehensive system of abbreviations. This new roll, as you notice, is a loose-leaf roll; the old roll is not a loose-leaf roll. The sheets of the new roll are put up in the form of pads. When the company clerk starts to make out the pay rolls, he takes three of these sheets and puts carbons between two. He then puts them in a typewriter and makes them out as you would typewrite an ordinary letter in triplicate. With the old roll you can not do this.

Mr. SPEER. Is it necessary to do this in longhand?

Capt. MOSS. Yes; in very nearly every case. You will, however, find some company commanders who have typewriters with wide carriages. They take the old roll apart and run it through the typewriter and then put it together again, but this involves work of a fussy nature.

Mr. BULKLEY. Is it fair to say in the old form practically all of them are made out in longhand?

Capt. MOSS. Practically all.

Mr. SPEER. Were they all made in triplicate before?

Capt. MOSS. Yes; we have to make them in triplicate, because the company commander has to retain a copy. He sends two to the paymaster who does the paying; he keeps one and sends the other to the Paymaster General with his account current. We have had an experimental payment made on this roll of all the troops in the pay district—between 50 and 60 organizations. The organization commanders reported that in their opinion the amount of work would be reduced from 33½ to 75 per cent. Ninety per cent of them reported that the amount of work would be cut down from 50 to 66½ per cent by using this new roll.

Gen. WOOD. That is a pretty essential economy of time—a real economy.

Capt. MOSS. We have cut out also a number of remarks that were really unnecessary. The matter was taken up with the office of the Paymaster General, and also with the office of the Auditor for the War Department; and while meeting the requirements of the Paymaster General and the requirements of the Auditor for the War Department, we are able to cut out a number of remarks and simplify others.

The CHAIRMAN. A Member wanting to explain on the floor needs to have some detailed information. Where does the real economy result in handling the work in the method you have inaugurated?

Capt. MOSS. Well, for one thing, it will take the company clerk about half as much time to write out these rolls. These rolls being made out on a typewriting machine in triplicate, you save the time of the organization commander, other officers, and the noncommissioned officers who must now compare the rolls.

The CHAIRMAN. Is his salary a fixed charge?

Capt. MOSS. Yes; depending upon his rank, of course, whether he is a second lieutenant, first lieutenant, or captain. Usually he would be a captain.

The CHAIRMAN. So far your statement simply means economy in the time of the captain?

Capt. MOSS. And of the company clerk and the others just named.

The CHAIRMAN. And, also of the company clerk?

Capt. MOSS. Nearly every organization in the Army has a typewriting machine.

The CHAIRMAN. Now, go just a little bit further, if you please, and show where the economy results.

Capt. MOSS. In practice, after the company rolls have been made out, the company commander gets any other officer or officers who may be on duty with the company, the company clerk, and other enlisted men, and they compare these rolls. The comparison of the rolls would be unnecessary if they were typewritten. Next we come to the paymaster and his clerk. It will take them less time to make out the new rolls, because the remarks are simpler. Then the roll reaches the office of the Paymaster General. It is now taken up by the checkers; it will be easier for them to check up the rolls, because the remarks are more condensed. The same statement applies in the case of the office of the Auditor for the War Department. In the office of the Paymaster General and of the Auditor for the War Department the clerks are civilian clerks; they are not enlisted men.

Capt. HANNA. The one essential advantage of this roll [indicating] over this, is that here is a roll that will go into the ordinary typewriter, and here is one that won't. The additional advantages, although important, are incidents to that one.

Mr. BULKLEY. Are the company clerks civilians or enlisted men?

Capt. MOSS. They are all enlisted men.

Mr. BULKLEY. Is there any economy in dollars and cents when we save the time of the company clerk?

Capt. MOSS. I would say then it would be an increase in efficiency rather than a saving in money.

Mr. BULKLEY. It leaves more time for his military duties?

Capt. MOSS. Yes, sir.

Gen. WOOD. There is an increase in efficiency in all instances where the papers are handled in the company and an actual saving in money when it comes to the civilian clerks in the paymaster's and auditor's and Paymaster General's offices.

Capt. MOSS. Of course, in doing this work we have followed certain basic principles. We have, for instance, for the first time in the history of the Army, taken cognizance of the existence of the typewriter in the preparation of our rolls and returns. By this I mean that we have designed the rolls and the returns so that you can put them through a typewriting machine. We have made every one of the new forms the size of a sheet of ordinary writing paper, the sheets being put up in the form of pads. You can tear off as many as you want and run them through the typewriting machine the same as an ordinary letter.

Gen. WOOD. I will continue with the reading of this statement.

As said before, the task is a never-ending one. Progress must necessarily be slow if the work is to be thorough and the results effective. The early inauguration of the proposed reforms demands that all the bureaus concerned should enter into this work with the proper spirit. This is illustrated by the cooperation of the Paymaster General's office and the office of the Auditor for the War Department in the work of revising the pay roll and the final statement blank; which made fairly simple what otherwise would have

been an extremely difficult task. The gentlemen in these offices who continually handle these blanks and are thoroughly familiar with what data are necessary to fill the requirements of their offices and with what are purely unnecessary, have devoted many hours of their time in cooperation with the officers of the General Staff intrusted with this work. The lack of such cooperation in any office makes it much more difficult to reduce a blank to the simplest form consistent with meeting the real needs of the service.

One of the most important of all the changes proposed so far is the abolition of the muster roll and the consequent change of procedure with respect to the descriptive list. At the present time, when a recruit reports at a post headquarters, he brings with him from the recruit depot what is called a "Descriptive and assignment card," containing information concerning the recruit and his service from the date of enlistment up to the date of his departure from the recruit depot. In the office of the post adjutant a copy of this card is made and sent to the commander of the company to which the recruit is assigned, who then transfers the data contained on the card to a blank form known as the descriptive list. When a number of recruits are received at a post headquarters at the same time, this becomes a work of considerable magnitude, demanding the services of the entire clerical force at the post headquarters for as much as a day or more, besides imposing considerable work on the company commander. One of the benefits of the change is that it eliminates this work; but the really important benefits are to be found in the abolishment of the present muster roll and the change in procedure with respect to the descriptive list. This descriptive list is a document of importance on which are entered from time to time data concerning the records, accounts, etc., of the soldier on the expiration of the soldier's term of enlistment, or on separation from the service for other cause, it is filed in the office of The Adjutant General. It then becomes a permanent record which, in conjunction with the muster roll (to be referred to a little later on), gives a complete account of the individual soldier's service. As stated above, this descriptive list is begun by the company commander, who copies on it the information contained on the descriptive and assignment card. Thereafter certain entries affecting the soldier's record are made on it from time to time by the company commander. If a soldier is transferred from one company to another, as frequently happens, a complete copy of the descriptive list is made and forwarded to the commander of the company to which the soldier is transferred, and the original is filed in the records of the company the soldier has left. This operation is repeated each time a soldier is transferred or detached from his company.

Under the proposed system much of this work of copying will be eliminated, for under the proposed procedure when a soldier is transferred to another organization or detachment his descriptive list will be completed by his old company commander up to the date of transfer and will be mailed or otherwise sent to his new commander, who will take up the record where the old commander left off and continue it until it becomes his turn to send it to another. The work saved by this change is considerable; but the greatest saving comes from the abolishment of the muster roll in its present form. This is a complete roll of the company, prepared bimonthly, showing

every change of status or other incidents affecting the record of every soldier in the company. It has become the most annoying of all the returns a company commander has to submit. It is made in duplicate and written out in longhand. Its preparation is begun five to eight days before the termination of the period covered by it and keeps the company clerical force busy until the end of the month. It contains no information essential to the records of the War Department that is not found at the present time on other returns or which can not appropriately be added to other returns.

The abolishment of this roll presents no real difficulties. The major part of the information contained on it, and not found on other returns at the present time, will be placed on the descriptive list, thereby making this list the complete record of the individual soldier. Therefore, this change will also simplify the record work in the War Department, for the record of a soldier for one enlistment period of three years will be found in a single document—the descriptive list—instead of in 18 different muster rolls. In an enlistment of 30 years the soldier's record will be found in 10 descriptive lists instead of in 180 different muster rolls. Filing space and the clerical labor of recording and filing are greatly decreased, and subsequent reference to the record of the soldier is vastly simplified. The statutory requirement contained in the twelfth article of war will be fully complied with by entering on the pay roll at stated periods the data specified in the statute and calling this particular pay roll a muster and pay roll.

Many of the recommendations received from the service have been acted upon by the bureaus concerned. Thus, in the Quartermaster General's Department, the following blank forms have been abolished, or required less frequently:

List of blank forms of the Quartermaster General's Department which have been discontinued or modified so as to be required less frequently.

REPORTS DISCONTINUED.

Report of accidents to harbor vessels.
 Report of disbursements on account of national cemeteries.
 Postal-card report of purchases on account of replenishment of stock.
 Report of olive-drab and khaki clothing on hand and due—at depots.
 Report of clothing, etc., manufactured at Philadelphia and Jeffersonville.
 Report of tentage on hand at Philadelphia.
 Report of tentage and other equipment on hand at posts.
 List of regular and acting quartermasters on duty in the Philippine Islands.
 Report of post quartermaster sergeants on duty in the Philippine Islands.
 Report of fuel consumption for heating purposes at posts.

REPORTS REQUIRED LESS FREQUENTLY.

Consolidated report of incinerators and consolidated report of sterilizers combined into one and changed from quarterly to annually.

Consolidated report of typewriters on hand at posts. Changed from semiannually to annually.

Report of stock at supply depots. Changed from quarterly to annually.

Report of road-making machinery on hand at posts. Changed from quarterly to annually.

Report of transportation charges on supplies sent to posts. Changed from monthly to quarterly.

Report of expenditures for hired vessels. Changed from monthly to quarterly.

Stock report of supplies for transports. Combined with stock report miscellaneous supplies and changed from quarterly to annually.

Report condition national cemeteries. Changed from monthly to quarterly.

Next to the reports, returns, etc., required by The Adjutant General's Office, property returns are the papers which give the officer in command of troops the most annoyance and require most time for preparation. The War Department board on business methods recommended a reform in this matter which promises to be effective. It consists in substituting a "standard equipment" for a troop, company, or battery for the present long list of articles embraced in such an equipment, and which must at the present time be enumerated separately on the property return. If this solution of the problem is practicable, a company commander will make return at regular intervals for "one standard equipment," instead of for many hundred articles, as at the present time. It is applying to the whole equipment the same rule as now obtains in reporting a tool chest, which may contain scores of tools, but is reported on the return as "one tool chest." A board of General Staff officers is now engaged in preparing such a "standard equipment" for a troop, company, and battery. This work probably will be delayed somewhat, awaiting the report of the Cavalry equipment board.

Although this is a tremendous work which, if properly handled in the future will be never ending, still a point has been reached where it may be stated that large results are to be obtained in the near future. In the meantime the investigation has kept the subject before the Army at large and has stimulated it to greater efforts in reducing the paper work so far as it is possible for individuals, and post, department, and division commanders to do so on their own initiative.

In the matter of the publication of War Department orders great reforms are being introduced, beginning with January 1 of this year. A comparison of the general and special order books of the War Department with those of the Navy Department indicates that many matters are being dealt with in War Department orders which the Navy finds it possible to omit from its orders. The system followed in the War Department has resulted in so loading down general orders with matter of purely an informatory character or of trifling importance to the service at large that the really important orders, in which officers are keenly interested, are buried from sight.

To remedy this condition, it is proposed that the general-order book shall contain, as far as practicable, only those orders which are frequently consulted in the administration and instruction of organizations and are of a more or less permanent life. Other matter which formerly appeared in general orders and which is of sufficient importance to warrant publication will appear in the future in a different form. Changes in regulations and manuals, such as Army Regulations, Drill Regulations, Court-Martial Manual, Manual of Guard Duty, Subsistence Manual, Quartermaster's Manual, etc., will be published in separate series on pages the same size as the manual revised and on one side of the paper for easy insertion in the manual concerned. Matter now included in general orders which has no purpose other than to give the service at large certain information which may be interesting to it, as, for example, reports of rifle practice, etc., will be published in bulletins. In addition, much matter which is now published as general orders will appear in the future as special orders, thus eliminating from the general orders such orders as are of interest to but a few individuals and offices in the service. Under

the present system many thousands of copies of these orders are printed and distributed to the Regular Army and the militia. Under the proposed system a very small number of copies will be printed and sent to only such offices and individuals as are concerned. The result will be added economy in printing, mailing, etc., and greatly increased efficiency in that the general-order book will be kept free of matter of this kind which has no general interest to the service. As the system stands to-day, general orders of importance are buried so deep in matters of trifling or no importance that it is a well-nigh hopeless task for officers to become familiar with what is really of value to them. It is hoped to make the general-order book so small, and at the same time of such importance, that every officer in the service will be thoroughly familiar with its contents.

The following figures will give some idea of what the effects of this change will be. The War Department general orders as printed up to December 31, 1911, contain much wasted space, due to the custom of printing these orders from day to day without any special consideration of the amount of printed matter in the orders. This remark does not apply to amendments to regulations, for these are printed on one side only of the paper in order that they may be pasted in the book amended. The general-order book for 1911 contains 1,084 pages of printed matter and blank spaces. Had the instructions in these orders been published according to the proposed system, about 310 pages of printed matter and blank space, containing amendments to Army Regulations, other regulations, and manuals, would have been eliminated from the book and scattered instead throughout the various regulations and manuals which they amend, the proper place for them for convenient reference; about 180 pages of printed matter and blank space, containing matter of a purely informatory character, including no instructions whatever for future observance, would have been published as bulletins; and about 220 pages of printed matter and blank space, containing orders applying to a very limited number of offices or individuals in the service and containing absolutely no instructions to be observed by other offices or individuals, would have been published as special orders and distributed only to the few offices and individuals concerned in their execution, instead of to the entire service. The service probably has an interest of curiosity in some of these special orders, but it will receive its information of them from the service journals and the public press. The demands of efficiency and economy in the service forbid the publication and distribution of many thousands of copies of orders for no other purpose than to gratify curiosity, especially when that curiosity can be satisfied in other ways.

I would like Capt. Hanna to illustrate this change in the method of publishing general orders.

Capt. HANNA. In this volume of general orders of last year, that portion of the volume [indicating] is devoted to changes in Army Regulations, Field-Service Regulations, the Guard Manual, the Court-Martial Manual, the manuals of the different supply departments, and other regulations and manuals.

Mr. BULKLEY. What proportion is that?

Capt. HANNA. Perhaps one-fourth of the book—one-third to one-fourth of the book. It is the intention now to publish all that matter as changes in the particular book which is being amended, on sheets

the same size as the page of the book. These changes come to me as a company commander in the service, and I know just what to do with them. I cut the slips up and put them in the proper page of the book, and that book is amended. Heretofore they have been published in War Department general orders, and have been carried along from year to year as a part of the book of general orders, and have cluttered up the orders to such an extent that in looking through my order book for a particular order, I have to search through all this irrelevant date.

Mr. BULKLEY. Do you mean that each of those when issued will show on its face where it ought to be inserted in the book?

Capt. HANNA. Yes, sir. At the head of the order will be, for example, "Army Regulations." That catches the eye of the company commander at once. Here [indicating], where now appears "General Orders, No. 18," will appear, "Changes No. 1" we will say, and over here, "War Department, Washington, January," as at present. Then will come, "Paragraphs so-and-so, Army Regulations, are amended as follows." Then you will have the new-amended paragraph, following its proper number. I clip this up with my scissors and paste the slips in my Army Regulations. Some officers will fasten them into the back of the book, but the essential fact is that they are kept out of the general-order book and inserted in the book which they amend. We want to keep the general-order book down to only those things which are essential in the administration and instruction of the organization from day to day, so that the company commander can go to his general-order book and find the orders that are of importance to him in the instruction of his command and the administration of his command. "Instruction orders" for the season is an important order. In this case [indicating] it is a three or four page order. You have to search through all this large volume to find that order. Had this system been in operation last year the general-order book for last year would have been about what you see here [indicating]. It would have been about the same size as the Navy's, which I showed you a little while ago. It is a very easy matter for the officer in command of a company to go through that small bunch of general orders and find what relates to his company. This matter [indicating] does not have to be carried around in the book of general orders because it goes out in the form of "Changes."

There are other things to be published in the form of memoranda, publications which are not orders, but merely contain information. They contain data which are of interest to the service, but have no force as orders. Take the proceedings of the National Board for the Promotion of Rifle Practice as an example. That is the first thing I find here. It has 36 pages. Formerly that went into the general-order book. It contains no orders at all, and is of no vital interest to the service. Many men never read it through. Now, we send it out in the form of a memorandum, and if a man wants to read it he can; but if it is of no interest to him, he can destroy it.

Since we were talking about this before, I have made a hasty calculation here from data which Capt. Moss gave me, and it shows that this two-page general order costs approximately \$21 for 15,500 copies, or thereabouts—\$21 for a two-page general order. Hence, if my figures are correct, every one of these general orders of one

sheet printed on both sides, published uselessly to the service, costs—that is, for printing alone—approximately \$21.

Capt. MOSS. That is for everything—the material and the printing.

Mr. BULKLEY. But not the mailing?

Capt. MOSS. No.

Capt. HANNA. That is everything. Last year that bunch of orders [indicating] would have been distributed to the entire service, whereas under the system now in force those same orders would have been given a limited distribution. There are probably there, at least, I should say, 200 pages that would have been distributed to only a few individuals and offices in the service. There is quite a material saving.

The CHAIRMAN. I think the committee would be perfectly willing for any of you to amplify any statement you have made. A copy of the hearing will be sent to you.

On the basis of the \$21 for a two-page general order, please show the difference in cost of handling the 15,500 copies under the old and the proposed or new method.

Capt. HANNA. Inquiry of the Public Printer shows that the smaller number of a two-page order could be printed for \$13.55 less than the larger number; the smaller number of a four-page order for \$27.55 less; and the smaller number of an eight-page order for \$55 less. The additional cost for handling the larger number of orders can not be determined with any degree of accuracy.

Mr. SPEER. What interests me is the greater number of orders issued by the War Department as compared with those issued by the Navy Department. Would it not appear that economy could be caused by not having so many orders? Many of them seem to be about small matters.

Gen. WOOD. That is what we were trying to do with the limitation of correspondence. A concrete case came up the other day which illustrates pretty well the way things have been going. We were attempting to establish a better system for dealing with our military prisoners. It required the publication of very extensive changes in the guard manual. Two orders were brought to my office to be O. K.'d before they should go out to the service, and I noticed that they were both about the same subject—military prisoners. One was submitted to me as an order making the necessary changes in the guard manual; the other, as an ordinary General Order. I should say that each contained 15 or 20 pages. With the exception of three or four introductory lines, they were identically the same. In other words, it was proposed to distribute 15,000 of each of these identical orders to the service. That is to say, there was an unnecessary duplication right there of material, labor, mailing, and everything else.

There is one thing that Capt. Hanna has not brought out which has occurred to me. All these modifications, as we are publishing them now, are printed on paper of the same size and the same style of type as the regulations or manual that is amended. For instance, the Army Regulations is quite a large book, while the drill regulations is quite small, and the Field Service Regulations, the Manual of Guard Duty, and the manuals of the various staff departments present still other sizes. As these orders were printed before they fitted none of these books. Now, we are printing them on the same sized

paper and with the same style of type so that they may be pasted in book to which they pertain or placed in the back thereof.

I will now finish reading this statement.

In all of this work one of the controlling ideas has been to reduce the amount of information collected in central bureaus on returns, reports, etc., from the Army at large to the minimum consistent with good administration, and to eliminate as far as possible all duplication of the same information on different reports, returns, etc. Many of these returns and reports contain such duplication at the present time, the duplication frequently serving no useful purpose, and in some instances being intended merely for the unessential convenience of some central office in which the return finds a final resting place, and some of the information is not of sufficient value to the central offices to warrant its being gotten together at the expenditure of considerable time and labor by the line of the Army. If the fighting branches of the service are to be freed from any considerable amount of paper work, the central offices and bureaus must devise methods that will insure efficient administration with fewer reports, returns, etc., than are sent them at the present time. Whenever possible the burden of paper work is to be shifted from the fighting man to the office man; that is to say, from company orderly rooms and post and department headquarters to division headquarters and the central bureaus in the War Department. At the same time the work in these central bureaus will be decreased below what it is now. The change in the method of beginning the new descriptive list is an illustration of this point. Under the old method the data for beginning the descriptive list of a recruit, contained on the descriptive and assignment card made out at the recruit depot, had to be copied on a new descriptive and assignment card in the office of the post adjutant, from which office the card was sent to the office of the company commander, where it was again copied on the descriptive list. Under the new method the data is transferred at the recruit depot from the descriptive and assignment card to the descriptive list. The change shifts a considerable amount of work from the post commander and company commander, who should be freed from this character of work, to the recruiting officer, who is better equipped for doing this work.

No information that is not actually used, that does not answer some live and useful purpose, will be called for on any of the new blanks. In this reform work the existence of the typewriter and the use of carbon paper are recognized as valuable labor-saving devices (a recognition they have not universally received in this connection in the past, strange to say), and all the forms, as far as possible, are being made of such size that they can be run through the ordinary typewriter. Thus the old pay roll was too large for the ordinary typewriter, and every month three copies of it had to be made out by hand. The new pay roll is the size of the ordinary sheet of commercial letter paper made especially for use on a typewriter. As far as practicable the loose-leaf system is to be used in making up rolls and returns, thus enabling the size of the organization to determine the size of the roll or return, in this manner avoiding waste of material and reducing the amount of material to be transported through the mails and filed in various offices. For example, the size of the old pay roll was the same for a company of 40 men as for a company of

140 men, while the new pay roll, consisting of loose leaves to be bound after the pay roll is made up, will contain only so many sheets as are necessary for the particular organization or detachment being paid.

Up to date we have been too busy making reforms in the paper work to attempt to arrive at any estimate of the result in economy. It may be stated positively, however, that economy will result in the amount of material used, the printing and postage required, and in clerical hire. A moment's consideration of the new scheme for the publication of general orders and of the abolition of the muster roll will show that a substantial saving in material, printing, etc., will be made. As already stated, under the present system there were published and distributed to the service in the year 1911 a mass of general orders which would have been published as special orders under the new system and given a very limited distribution—the total mass so published making a book of 220 pages. The old system required the publication and distribution of approximately 15,000 copies of this book. Under the new system probably not more than 100 copies will be printed. The ordinary muster roll is a blank form of 28 pages, and is submitted bimonthly by every organization in the Army. There are submitted bimonthly from the entire Army at least 900 muster rolls. The total number is considerably greater than this and varies with the number of detachment rolls submitted. Their printing in the first instance is a matter of considerable expense; their distribution to the organizations using them entails more expense; and finally their periodical return from the organizations making them out to The Adjutant General's Office yet more expense. In addition, there is the very considerable clerical work connected with the handling of these rolls. As stated already, they will be eliminated under the proposed system.

However, the greatest gain to the service will result from increased efficiency, in that the fighting man on duty with troops will be free to devote all but a small fraction of his time to the instruction of his command. Not only this, but he will be freed also from the annoyance he suffers to-day as the result of the burden of an unnecessarily complicated paper system.

The CHAIRMAN. In order to carry these reforms which you have been referring to into execution, is there any legislation required?

Gen. WOOD. No, sir; there may be in some of the reforms that affect other departments besides the War Department, but I doubt if we require legislation in many instances.

These exhibits that we brought to you to-day are just a few chosen from a great mass as illustrations.

The CHAIRMAN. All of which can be cured within the department?

Gen. WOOD. All of these; but there will be some changes that we will have to get you to approve. They will be brought to your attention at the proper time.

I have noted one or two questions here which were very natural, as to whether the reforms that we are making will result in a direct saving of money, or whether they will simply result in a saving of labor among the officers, enlisted, and the civilian personnel. Of course, the whole object in maintaining the Army is to have an efficient fighting machine, and if you have such an exorbitant amount

of paper work it impairs efficiency. Now, by the creation last summer of territorial divisions, thereby doing away with the old department system, we have been able to return 207 enlisted men to their commands for military duty. They were formerly entirely withdrawn from military duty, in the sense in which we understand it, and were engaged in clerical work.

Mr. BULKLEY. That is practically as good as having 207 more men?

Gen. WOOD. Just the same as enlisting 207 more men, practically. I think this was the number returned to duty with troops.

Mr. BULKLEY. So, if you wanted to figure it in dollars and cents, you could reduce your enlisted force by 207 and still be just as efficient as before?

Gen. WOOD. Yes.

The CHAIRMAN. I will ask some of you to explain the difference between a general and a special order.

Gen. WOOD. A general order is one that interests the whole service; a special order interests one or a limited number of individuals. For instance, if I get an order to go to California as a member of a board, that is a special order; but if an order is issued prescribing that a certain report be made by all officers, that would be a general order, because it affects all officers.

The CHAIRMAN. An order affecting the Quartermaster would only go to his department. For example, what has the Bureau of Ordnance to do with the Quartermaster's Department?

Capt. HANNA. Yes; if it affected only the Quartermaster's Department. That is being considered, Mr. Chairman, in the rearrangement of the orders, beginning with this year, and many orders formerly published as general orders are now being published as special orders.

The CHAIRMAN. Do I understand that general orders affecting the Ordnance Bureau alone would have to go to the entire Army?

Capt. HANNA. No, sir; under the new system it would be published as a special order.

Gen. WOOD. In the Quartermaster's office an order is published, for instance, fixing the amount of fuel for organizations and for officers. That would be a general order, because all officers in the service are affected by it; but there might be an order issued limited to the Quartermaster's office itself, and that would be a special order. Under the old practice many instructions were sent out as general orders that properly should have been special orders. We are now including in special orders practically all instructions affecting individuals or only a part of the Army. The whole result of our efforts up to date shows, I think, a pretty substantial reduction of paper work.

Mr. SPEER. The paper you have here has 19 indorsements on it, I think; another had over 50. Would it be possible to have a system by which the paper would go through fewer hands and yet accomplish the same result?

Gen. WOOD. Yes; we have started, to a limited extent, such a system in the War Department. In an order known as No. 68 of last year there is a provision which permits the Chief of Staff, by direction of the Secretary of War, to correspond directly with the various bureaus of the War Department. That is to say, a letter comes into The

Adjutant General's office, which is the point of entry into the War Department for practically all official correspondence. It will be referred, we will say, to the Chief of Staff, who has very limited authority of his own. He requires, before he submits it to the Secretary of War for approval, the opinion, we will say, of the Chief of Ordnance, the Chief of Engineers, the Quartermaster General, and possibly the Chief Signal Officer, if it is a matter of fortifications. Under the old system, when the Chief of Staff received that letter and wanted to confer with the Chief of Engineers, he would send it to The Adjutant General, who would send it to the Chief of Engineers; the Chief of Engineers would send it back to The Adjutant General, and The Adjutant General would return it to the Chief of Staff, etc. Under the present system the Chief of Staff sends it directly to the Chief of Engineers, thus eliminating the move from The Adjutant General to the Chief of Engineers, and that from the Chief of Engineers to The Adjutant General. Then the Chief of Staff sends it with the same directness to the Chief of Ordnance, to the Chief Quartermaster, or the Chief Signal Officer. That cuts out the multiplicity of indorsements that you see there. We are trying to work down to a system which, in simple language, would be described perhaps as follows: The Adjutant General's office is purely an office of record, and has only the administrative functions which have been given to it as a matter of convenience from time to time by the Secretary of War. The plan of the organization of the War Department should be, generally speaking, to have a central record stack—The Adjutant General's office—and make it the only office of substantial record in the department. When a paper comes into The Adjutant General's office he notes the character of the paper—that is, the subject matter of the paper—and notes everything he thinks is essential for his record in case that paper should be lost. What we want is to evolve a system under which he will not see that paper again until it has completed its various wanderings in the War Department and has been finally acted upon by the Secretary; then he is given his opportunity to record all the essential information that it contains before it goes out. That is what we are trying to do.

Mr. BULKLEY. Are those channels governed by Army Regulations?

Gen. WOOD. Yes; and though Army Regulations are in many features simply the expression of the will for the time being of the Secretary of War, we are attempting to cut out as many as we can of all those various intricate methods. In the war between Japan and Russia the simplification of records and correspondence was brought probably to the lowest point to which it ever has been brought. The officers getting their supplies for their divisions, for instance, ordered directly from the depots, merely giving their memorandum receipt.

Mr. BULKLEY. The Japanese Army?

Gen. WOOD. The Japanese Army. In other words, the correspondence was brought down to the simplest elements of a requisition and a receipt. The officers were held to a high order of responsibility. In time of war that is practically what we would have to do. We must get all this sort of thing down to the point where when war comes it will still be possible to keep up our records.

The CHAIRMAN. How large a clerical force—and by clerical force I mean officers, commissioned, noncommissioned, and clerks—does it require to perform the work as is now in vogue, such as you have referred to here to-day, and the cost?

Gen. WOOD. I will put that in my hearing; I should be afraid to answer offhand. You mean the higher personnel?

In every troop, battery, company, and band there is an enlisted man called the troop, battery, or company clerk, who is detailed to do the paper work of the company. The pay of the company clerk depends upon whether he is a private, corporal, or sergeant. As a rule the first sergeant of the organization also devotes a part of his time to clerical work. At every post with a garrison, say of two or more companies, a post sergeant major, who is assisted by such number of other enlisted men as may be necessary, has immediate charge of the paper work at post headquarters. The pay of the post sergeant major and his assistants depends entirely on their respective grades, length of service, etc. The paper work in the offices of the post quartermaster and post commissary is generally performed by quartermaster and commissary sergeants, who are assisted by such number of other enlisted men as may be necessary, and their pay likewise depends upon their respective grades, length of service, etc. In different detachments the paper work is done by enlisted men, either noncommissioned officers or privates, detailed for the purpose.

In order to ascertain the number of enlisted men who are doing clerical work in the Army, and the total pay they are drawing, it would be necessary to call upon all commanding officers in the United States, the Philippines, Alaska, the Hawaiian Islands, and the Panama Canal Zone for reports giving this information, which would be correct only for that particular day, as the enlisted clerical force and their pay are fluctuating factors.

It may be said that very nearly every officer in the Army has a certain amount of paper work to perform—some very much more than others.

For the reasons given it is not thought that it is possible to express with any degree of accuracy or satisfaction the cost in dollars and cents of the paper work performed by the officers, noncommissioned officers, and privates of the Army.

However, the cost of the paper work done by civilian clerks can be given in dollars and cents. Taking first the War Department, there are to-day approximately in the office of—

	Clerks.	Total annual cost.
The Secretary of War.....	61	\$90,150
The Adjutant General.....	537	708,800
The Inspector General.....	7	10,400
The Judge Advocate General.....	13	18,400
The Quartermaster General.....	165	204,600
The Chief Signal Officer.....	19	23,400
The Commissary General.....	59	75,900
The Surgeon General.....	97	132,500
The Paymaster General.....	51	67,100
The Chief of Ordnance.....	67	87,200
The Chief of Engineers.....	69	91,700
The Bureau of Insular Affairs.....	61	79,600
Total.....	1,206	1,589,750

The following tabulation gives approximately the number of civilian clerks to-day at the various division and department headquarters:

	Clerks.	Annual cost.
Adjutant General's Department.....	148	\$183,009
Inspector General's Department.....		
Judge Advocate General's Department.....		
General Staff.....		
Quartermaster General's Department.....	163	213,260
Signal Corps.....	9	9,799
Subsistence Department.....	47	58,000
Medical Department.....	14	20,000
Pay Department.....	26	40,375
Engineer Department.....	10	12,569
Total.....	417	536,835

The CHAIRMAN. And the officers, commissioned, noncommissioned, and clerks who have to handle, promulgate, or transact this work, the number that will be required to perform the same work if the methods that you have in mind are carried into effect. In other words, please indicate the reduction of force and cost. Could a reduction of 10 per cent of this force be made annually? If so, for how many years could this be done until you reach a sound business basis?

Gen. WOOD. The first part of this question is answered in my last answer. It is hardly possible to state with any degree of accuracy the reduction in clerical force and in cost that will result from the reforms that we propose making. I can only say that these reforms will reduce materially the paper work of the Army. I should say conservatively that we could reduce it 10 per cent in the near future, and perhaps another 5 per cent in the course of two years. This reduction, however, will be dependent upon a radical simplification in correspondence methods and a reduction in the amount of paper work. It should be made by not filling vacancies.

The CHAIRMAN. Will you kindly indicate where the appropriation for this clerical force in the bill making appropriation for the support of the Army for 1913 can be found?

Gen. WOOD. The appropriations for clerks for the Army is contained in the legislative, executive, and judicial appropriation bill, and the estimates printed on pages 53 and 62, current book of estimates; also in the Army appropriation bill under the title, "Pay for clerks, messengers, etc.," printed on page 184, current book of estimates, and under the various titles of the Army bill, such as "Regular supplies," "Incidental expenses," etc., which include the hire of clerks.

The CHAIRMAN. Are you able to say how our clerical force compares with that employed in European armies?

Gen. WOOD. I should say—this is a guess—we have several times the number, in proportion to the strength of our Army.

The CHAIRMAN. Can you get figures on that?

Gen. WOOD. If data sufficient to give the figures can be obtained I will be very glad to get them for you.

The CHAIRMAN. Is there any further question?

Mr. BULKLEY. Inasmuch as we are extending to these gentlemen an invitation to make this as complete as possible, I should say we are through now.

The CHAIRMAN. If you desire to go further than you have gone, I think it is the pleasure of the committee that you do so. If there are no further questions the committee will stand adjourned.

(Thereupon, at 12.20 o'clock p. m., the committee adjourned to meet to-morrow, Thursday, January 25, 1912, at 10 o'clock a. m.)

EXPENDITURES IN THE WAR DEPARTMENT.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, HOUSE OF REPRESENTATIVES, *Washington, February 10, 1912.*

The committee met at 9.30 o'clock a. m., Hon. Harvey Helm (chairman) presiding, to take up the matter of H. Res. 208, relating to accusations of criminal or other misconduct on the part of any officer or officers of the Pay Department of the Army since January 1, 1905, or absence from duty during that time.

Present also: Representatives Diefenderfer, Bulkley, and Warburton.

There were also present: Gen. Charles H. Whipple, Paymaster General, United States Army, and Royall O. Kloeber, Chief Clerk of the Paymaster General's Office, and Representative J. Harry Covington.

STATEMENT OF PAYMASTER GEN. CHARLES H. WHIPPLE, UNITED STATES ARMY.

The CHAIRMAN. General, what is your official title?

Gen. WHIPPLE. Paymaster General, United States Army.

The CHAIRMAN. How long have you been occupying that position?

Gen. WHIPPLE. Since the 1st of January, 1908.

The CHAIRMAN. Please state to the committee the full scope of your duties in connection with your office.

Gen. WHIPPLE. The Paymaster General is charged with the financial and internal administrative duties of his department; the distribution of funds to paymasters, guarding against any excess of funds in paymasters' hands and unnecessary accumulation thereof in Government depositories; the examination of accounts of all paymasters; the determination of distances, deductions, and routes for payment of mileage, and the preparation of the official tables of distances; the recording in detail of all allotments of monthly pay made by soldiers for the benefit of their families, and of all deposits made by enlisted men and repaid to them when they are discharged or retired.

The CHAIRMAN. As the head of this department of the service, are you responsible for the conduct of your subordinates, or their proper conduct?

Gen. WHIPPLE. Yes, sir; I am the head of that department, and naturally it is one of my duties to see that they properly conduct themselves.

The CHAIRMAN. If any of your subordinates violate any of the laws of the Government or the rules and regulations of the War Department, and it is brought to your knowledge, it is your duty, as

I understand it, to see that these violations are properly disposed of.
Gen. WHIPPLE. Yes, sir. That is one of the duties of the bureau chiefs.

The CHAIRMAN. Are you acquainted with Maj. Beecher B. Ray?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. Was he connected in any way with your office?

Gen. WHIPPLE. He has never been stationed here in Washington.

The CHAIRMAN. Was he a subordinate in your division of the military establishment?

Gen. WHIPPLE. He has been on two occasions. When I was chief paymaster of the Department of the Lakes, in Chicago, and again for a brief time in the Philippines, when I was chief paymaster of the Division of the Philippines, he was directly under me. He is under me now, of course.

The CHAIRMAN. Then he was in the service as a paymaster before you were Paymaster General?

Gen. WHIPPLE. Yes; before 1908.

Mr. BULKLEY. Will you state during what period you were in the Department of the Lakes and what period in the Philippines?

Gen. WHIPPLE. In 1901 in the Department of the Lakes and 1902 and 1903 in the Division of the Philippines.

The CHAIRMAN. How long has Maj. Beecher B. Ray been in the service of the War Department?

Gen. WHIPPLE. He was appointed during the Spanish War, in 1898, as an additional paymaster; that is, he was appointed in the volunteer service as a major and additional paymaster, and he has been in the service continuously since that date.

The CHAIRMAN. Are you familiar with the facts and circumstances that preceded and led up to his appointment?

Gen. WHIPPLE. No, sir; I am not. I could only answer that by saying what I have heard, and that is merely hearsay. I know very little about the circumstances of his appointment. I was not in the country at that time. The first time that I went to the Philippines was at the commencement of the Spanish War in 1898, and he was appointed here in Washington by the President, so that I know nothing about that.

Mr. DIFENDERFER. He was appointed from private life?

Gen. WHIPPLE. From private life; yes, sir.

The CHAIRMAN. You know nothing about the indorsement that he had for this position, do you?

Gen. WHIPPLE. No, sir.

Mr. WARBURTON. By what President was he appointed?

Gen. WHIPPLE. By President McKinley.

The CHAIRMAN. Was Maj. Beecher B. Ray ever on service in the Philippine Islands?

Gen. WHIPPLE. Yes, sir; he has been there on two occasions.

The CHAIRMAN. When?

Gen. WHIPPLE. In 1902 and part of 1903.

The CHAIRMAN. How long was his service in the islands on each of those occasions?

Gen. WHIPPLE. One moment—he was there later in 1908. I will put that into the hearing, Mr. Chairman, and have it exact. He was not there for a full tour on either occasion. (See Appendix A.)

The CHAIRMAN. During his service there was there any misappropriation by him of Government funds, or improper conduct by him of funds in his hands?

Gen. WHIPPLE. Everything of that nature, any misconduct in the disbursement of funds, is mentioned in this report, this House Document No. 90.

The CHAIRMAN. Will you in a general way kindly tell the committee what this misconduct consisted of?

Gen. WHIPPLE. The first charge that was made against him was with reference to a trip that he took on a steamer out of Manila, where he made a false certificate on the clerk's mileage voucher. At that time it was necessary for all paymasters to certify to the mileage accounts of their clerks, that they had paid so much money for railroad fare or steamer fare, whatever it was. Maj. Ray certified that the account was just and that the clerk had paid out the sums as stated. One of the items was \$40 for his steamer ticket, whereas it was discovered later that \$20 was the amount paid. That information came out from the steamship company, the Spanish line. They had an arrangement with the Government that officers were only to have this half rate who were on leave of absence, or for their families, but when traveling on duty they were to pay full fare, because they collect that from the Government. That involved considerable correspondence and investigation.

The CHAIRMAN. Did he in fact misappropriate funds?

Gen. WHIPPLE. The only way I could answer that is that he made a false statement.

Mr. DIFENDERFER. Did he collect the money on the voucher?

Gen. WHIPPLE. Yes; he collected the money.

Mr. WARBURTON. Who would get the benefit of that money?

Gen. WHIPPLE. It is just a question of reimbursing the clerk. There was some argument between them, and I don't know how that point was settled.

Mr. DIFENDERFER. But he made an attempt to defraud the Government?

Gen. WHIPPLE. It would appear so. I can only give you my indorsement when the matter came to me. There was no doubt in my mind that he had done a very irregular thing, that he ought to be reprimanded for, at least, if not tried. My indorsement was to this effect:

The testimony which accompanies these papers shows that Maj. Beecher B. Ray, paymaster, United States Army, has knowingly signed a false certificate, resulting in the payment of a fraudulent claim against the Government, in violation of the sixtieth article of war. It is recommended that these papers be returned for such further investigation as may be deemed proper, and official action thereon.

The date of that was November 17, 1908.

Mr. DIFENDERFER. Wouldn't that have been a sufficient reason for court-martialing him?

Gen. WHIPPLE. I always thought he ought to have been tried.

Mr. DIFENDERFER. Can you give any reason why he was not tried?

Gen. WHIPPLE. No, sir; I am utterly unable to answer that.

Mr. BULKLEY. In this letter from the Acting Secretary of War this charge which we have just been discussing seems to be covered

in documents and indorsements on pages 12, 13, 14, 15, 16. Now, on page 16 I find the eighteenth indorsement, dated December 4, 1908:

Respectfully referred to the commanding general, Philippines Division, for such disciplinary action as, in his judgment, may be best.

By the order of the Secretary of War:

HENRY P. MCCAIN, *Adjutant General*.

Then follows a line which seems to check that matter by a natural ending of any investigation of that sort.

Gen. WHIPPLE. As far as I know, that was the ending. I never heard of any papers in the case after I put that indorsement on, and I would naturally have known if there had been any further action. I would have been advised, being Maj. Ray's superior officer.

Mr. BULKLEY. You can say positively, can you, that there aren't any further papers in the War Department relating to that charge?

Gen. WHIPPLE. I can. As far as my office is concerned I can say very positively, and for The Adjutant General, because he furnished all the papers that he had.

Mr. BULKLEY. That is, The Adjutant General went over this whole matter at the time this letter was written?

Gen. WHIPPLE. Exactly. He has no more papers bearing on the subject. That I know from his own lips. And I can state positively that everything that I had on the official files of the Paymaster General's office was furnished.

Mr. BULKLEY. Isn't that rather an extraordinary ending of a matter that has been referred to the commanding general for disciplinary action? Shouldn't he report what he has done about it?

Gen. WHIPPLE. I would prefer not to express any opinion about that. I would be criticising my superiors. The commanding general had a perfect right to end the matter there if he wanted to.

Mr. DIFENDERFER. You mean suppress it?

Gen. WHIPPLE. Yes; I think he had the authority to do that.

Mr. BULKLEY. Without making any further report whatever?

Gen. WHIPPLE. Yes.

Mr. WARBURTON. Would it be possible that when he examined into it he may have found a satisfactory explanation?

Gen. WHIPPLE. It is possible; yes. I have no doubt that the commanding general had conversations with Maj. Ray on the subject.

Mr. BULKLEY. Who was in command in the Philippines at that time?

Gen. WHIPPLE. Maj. Gen. Weston. We will reach that in the hearing. Gen. Weston was in command part of the time.

Mr. BULKLEY. The time to which I refer was December, 1908, the time that this paper, with the eighteenth indorsement, would have reached Manila.

Gen. WHIPPLE. Gen. Weston was in command at that time.

Mr. DIFENDERFER. Is he still in the service?

Gen. WHIPPLE. He is retired.

Mr. COVINGTON. Mr. Chairman, I would like to ask the general a few questions. I introduced House resolution 208, as he knows. In regard to the order of December 4, 1908, transmitting the papers in which that charge against Maj. Ray was conveyed to the commanding general of the Philippines Division for such disciplinary action as in his judgment may seem best, I believe you stated that there

appears in the War Department, so far as you know, no further record of any action.

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. As a matter of fact isn't it most unusual for the commanding general of the Philippines not to have at least transmitted to The Adjutant General's Office some written report that he had at least received those papers?

Gen. WHIPPLE. The usual way would be for him to acknowledge those papers. That is the customary way.

Mr. COVINGTON. Then, so far as the records in the War Department, either in your office or The Adjutant General's Office are concerned, they do show in this treatment of the Maj. Ray case, by the failure to transmit either acknowledgment of receipt of the papers or any later explanation of the failure to discipline him, a most unusual conduct in the case, do they not?

Gen. WHIPPLE. Well, it is possible that some acknowledgment was made that was never furnished me. I never heard of any acknowledgment being sent back.

Mr. COVINGTON. But in the ordinary course of a charge against a paymaster serious enough to warrant the statement that the papers were returned for such disciplinary action as in the judgment of the commanding officer he deemed best, wouldn't it be a certainty that either an acknowledgment of the receipt of them or an explanation of the conduct of the commanding officer after their receipt would have been transmitted?

Gen. WHIPPLE. It is usually done that way. The papers on a serious charge like that are usually acknowledged.

Mr. COVINGTON. Then the treatment of the Maj. Ray case was at least unusual?

Gen. WHIPPLE. Well, as I said before, Mr. Covington, I hesitate very much to express any opinion that would be a criticism of my superiors.

Mr. COVINGTON. When it comes to the question of expressing an opinion criticising your superior officers or citing a fact that you know as a matter of military custom, I think you are within due bounds when you make a statement of the fact as the usual military custom.

Gen. WHIPPLE. I have stated that it is unusual. Papers of that nature as usually acknowledged.

Mr. BULKLEY. I understood you to suggest that there is still a possibility that there may be some acknowledgment of this in The Adjutant General's Office?

Gen. WHIPPLE. Not in The Adjutant General's Office.

Mr. BULKLEY. Where would it be, then?

Gen. WHIPPLE. I never heard of any acknowledgment being received of those papers. If it came it would be in The Adjutant General's Office, and I am very sure that he has furnished everything he has on the subject. He is very particular about those matters—to furnish everything on his records—and I know that when these papers were called for he furnished everything.

Mr. BULKLEY. So that it is almost beyond possibility that there was any acknowledgment?

Gen. WHIPPLE. I never heard of one.

The CHAIRMAN. Have you any information that would lead you to believe that there are any papers touching this matter in the department that are not in The Adjutant General's Office and that should be there?

Gen. WHIPPLE. No, sir; I have no information. I think I would have been advised as the head of the Pay Department if there had been.

Mr. COVINGTON. As a matter of fact, Col. McCain is not now Adjutant General of the Army, is he?

Gen. WHIPPLE. No, sir; Gen. F. C. Ainsworth is The Adjutant General, and Col. McCain is one of his assistants. Col. McCain usually signs papers.

The CHAIRMAN. What other office in connection with the War Department could they be in?

Gen. WHIPPLE. If the acknowledgment was sent to the office of the Secretary of War, he naturally would send it to The Adjutant General.

The CHAIRMAN. If an officer has the right to suppress such a matter as has been suppressed, would he also have the right to retain papers such as in the ordinary course of business would be in The Adjutant General's Office?

Gen. WHIPPLE. They would have to be on the official files of his office, the office of the commanding general of the Philippines Division, or any commanding general. That is where these papers probably are—on his files, the official files of the commanding general of the Philippine Islands.

Mr. BULKLEY. In the ordinary course of business in the War Department, if The Adjutant General transmits a paper to an officer which ought to be acknowledged and is not acknowledged in due course or even after a long time, wouldn't you expect The Adjutant General to institute some inquiry about it? In other words, shouldn't he inquire whether the paper might have been lost in transmission?

Gen. WHIPPLE. Yes; I should say yes.

The CHAIRMAN. Have you ever made any such inquiry, General?

Gen. WHIPPLE. No, sir; I never have.

Mr. BULKLEY. And this record would show that The Adjutant General never has, wouldn't it?

Gen. WHIPPLE. It wouldn't be my duty to do that. It was sent up to me and I put my indorsement on it and then it passed to a higher authority.

The CHAIRMAN. That is to say, it would not be your duty to inquire whether The Adjutant General had ever followed it up?

Gen. WHIPPLE. No, sir.

The CHAIRMAN. Does it show conclusively by this record that we have before us that The Adjutant General never made an inquiry about that?

Gen. WHIPPLE. There is nothing in these papers to show.

The CHAIRMAN. This letter, Document No. 90, purports to send all the papers in connection with the case, and inasmuch as it says that doesn't include any further papers you would infer from that that there were no more papers, and that The Adjutant General never did follow it up.

Gen. WHIPPLE. Well, all the papers that refer to this particular case.

The CHAIRMAN. Here is a paper that is transmitted to the commanding general of the Philippine Islands, of the Philippines Division, which he has never acknowledged. Now, you tell us that when in the ordinary course of business The Adjutant General received no acknowledgment to such a communication as that, he would as a matter of routine make inquiry as to whether the paper had been received, yet in this letter from the Acting Secretary of War, which purports to transmit all of the papers in the matter, there is no letter of inquiry as to whether this paper was received by the commanding general of the Philippines, and my question is whether it is a fair implication, from the absence of any such paper in this series, that there never was any such inquiry made by The Adjutant General?

Gen. WHIPPLE. That is a matter, sir, that I can not answer. I would be glad to do it if I could. I am not concealing anything from you at all. I am willing to tell you anything I know about the history of this case, but you are going into a department that I have nothing to do with at all.

Mr. COVINGTON. The records here show that after this transmission to the Philippines with the recommendation of The Adjutant General that this man should be disciplined, and which discipline you say in due course of time would have been a court-martial, nothing further was done with the case.

Gen. WHIPPLE. Yes; that is the way I understand it, sir.

Mr. COVINGTON. Now, certainly the record shows the transmission to the commanding general in the Philippines of a considerable number of papers giving in detail the transactions of Maj. Ray in that particular act of falsifying a mileage voucher, and with the recommendation on them. Is that not true?

Gen. WHIPPLE. Yes.

Mr. COVINGTON. These papers had become official documents, had they not?

Gen. WHIPPLE. Yes; they were official.

Mr. COVINGTON. Assuming that these documents are no longer in existence, do you not know, as a matter of fact, that the destruction of them constitutes an offense under the Revised Statutes of the United States?

Gen. WHIPPLE. I have not heard that intimated, that they have been destroyed.

Mr. COVINGTON. I have not said that they have been destroyed. I started with an assumption.

Gen. WHIPPLE. Yes; I understand that.

Mr. COVINGTON. Then, as a matter of fact, if these papers are no longer in existence, the person who has destroyed them, if they have been destroyed, has unquestionably violated the Revised Statutes of the United States?

Gen. WHIPPLE. Yes.

Mr. WARBURTON. You don't undertake to say that there have been any destroyed.

Gen. WHIPPLE. Certainly not.

Mr. COVINGTON. I didn't understand the General to say so.

Gen. WHIPPLE. Oh, no; certainly not.

Mr. COVINGTON. General, as a matter of fact, does this record that has now been transmitted to Congress and become House Document No. 90, Sixty-second Congress, contain all the papers that were on file in your office in connection with the case of Maj. Beecher B. Ray?

Gen. WHIPPLE. Yes, sir; all the papers in reference to the case were submitted and were transmitted. The method in the War Department is to send all papers to The Adjutant General, who transmits them by the direction of the Secretary of War. He keeps the record, and in this case he would call on every bureau chief in the War Department to know if he had any records pertaining to Maj. Ray.

Mr. COVINGTON. Were there any other papers within your knowledge or possession that were not transmitted in connection with the conduct of Maj. Ray?

Gen. WHIPPLE. A full report relative to all information—I made a few notes here, thinking possibly this question might come up—a full report relative to all information contained in the records of the War Department with respect to Maj. Ray was compiled from the records of the various bureaus of the War Department. As I just stated a moment ago, the Secretary sends to every bureau chief and asks if he has anything on his records pertaining to this case. In the getting up of these papers, forming a part of the report of The Adjutant General, pages 38, 39, and 40 were omitted. These three sheets were not transmitted to Congress with the report, but were turned over to me by the Chief of Staff of the Army with the statement that he had spoken to Representative Sweet about the contents of these three sheets, and also the fact that they had been omitted with the report furnished to Congress. Later some question arose as to what information had been furnished by the Chief of Staff to Representative Sweet in this matter, and I thereupon, by direction of the President, went to Representatives Hay and Sweet and showed them all papers in the matter. That was the day that I met you, Mr. Covington. That will answer your question, will it?

Mr. COVINGTON. Yes. Have you those three sheets with you now?

Gen. WHIPPLE. Yes, sir; there they are—38, 39, and 40.

Mr. COVINGTON. Mr. Chairman, with your permission I shall ask Gen. Whipple to present those sheets to you so that you may inspect them and see whether, as a matter of fact, they are important enough bearing upon the investigation of the case of Maj. Beecher D. Ray to warrant their examination and insertion in the record.

The CHAIRMAN. I will ask you to leave the papers with me.

Gen. WHIPPLE. I will be very glad to read them to you. [Reads:]

HEADQUARTERS DEPARTMENT OF THE GULF,
Atlanta, Ga., September 3, 1910.

Maj. BEECHER B. RAY,

Paymaster, United States Army, Atlanta, Ga.

SIR: I am directed by the Chief of Staff of the Army to inform you that imputations against you have been made to the Paymaster General in the form of reports alleging illicit relations between you and Mrs. Blank, the wife of Mr. Blank.

These reports are of such gravity as to call in question your character as an officer and a gentleman, for, if the allegations be true, your conduct should be characterized as reprehensible and deserving of the severest condemnation.

Should you desire to take steps to clear your record of these imputations, you will be afforded every proper facility to that end within my power.

In the absence, however, of such effort for vindication, it is my duty to admonish you as to the future, while under my command, that any misconduct as an officer on your part will not be treated with impunity.

Acknowledgment, in writing, of the receipt of this communication is desired.

Very respectfully,

A. L. MILLS,
Brigadier General, United States Army, Commanding.

A true copy :

A. L. MILLS,
Brigadier General, United States Army.

WAR DEPARTMENT,
HEADQUARTERS DEPARTMENT OF THE GULF,
OFFICE OF THE CHIEF PAYMASTER,
Atlanta, Ga., September 5, 1910.

Brig. Gen. A. L. MILLS,
Commanding Department of the Gulf, Atlanta, Ga.

SIR: I have the honor to acknowledge your letter of September 3 instant. Since my acquaintance with Mrs. Blank, in so far as my knowledge extends, she has always conducted herself as a lady.

Very respectfully,

B. B. RAY,
Major, Paymaster, United States Army.

Received, September 6, 1910.

[First indorsement.]

A. L. M.

HEADQUARTERS DEPARTMENT OF THE GULF,
Atlanta, Ga., September 6, 1910.

Respectfully forwarded to The Adjutant General of the Army, War Department, Washington, D. C.

The failure of Maj. Ray to ask for an investigation of the imputations made against his character makes him amenable to trial under the sixty-first article of war. (See specification 5, p. 4, G. O., No. 127, W. D., 1909, in case of Maj. C. J. T. Clarke, Twenty-sixth Infantry.)

It is recommended that Maj. Ray be not retained at this station as chief paymaster.

A. L. MILLS,
Brigadier General, Commanding.

[Second indorsement.]

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, September 8, 1910.

Respectfully referred to the Paymaster General of the Army for remark.

By order of the Secretary of War:

BENJ. ALVORD, *Adjutant General.*

[Third indorsement.]

WAR DEPARTMENT,
PAYMASTER GENERAL'S OFFICE,
Washington, September 9, 1910.

Respectfully returned to The Adjutant General with contents noted.

C. H. WHIPPLE,
Paymaster General, United States Army.

Received back, A. G. O., September 9, 1910.

Left with Chief of Staff September 26, 1910.

[Memorandum for The Adjutant General.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
October 1, 1910.

The Acting Secretary of War directs that the within papers be filed with the efficiency record of Maj. B. B. Ray.

LEONARD WOOD,
Major General, Chief of Staff.

Mr. WARBURTON. What has become of that since that time?

Gen. WHIPPLE. You mean the other papers?

Mr. WARBURTON. No; is that the end of the chapter?

Gen. WHIPPLE. That is the end of the chapter.

Mr. BULKLEY. Who was it that stated there that he is amenable to court-martial?

Gen. WHIPPLE. Gen. Mills, commanding general of the Department of the Gulf.

Mr. BULKLEY. There is no question about that.

Gen. WHIPPLE. If you want a statement from me I will be very glad to give it to you.

Mr. BULKLEY. Yes, sir; we would like to have it.

Gen. WHIPPLE. The difficulty in this particular case was this: The person who made the complaint to me in a confidential note, stating all the circumstances, within a day or two sent me a telegram recalling that letter.

Mr. BULKLEY. Have you those communications?

Gen. WHIPPLE. I have them all here.

Mr. BULKLEY. We would be glad to have you submit them to the committee.

Gen. WHIPPLE. He sent me this telegram recalling that letter of complaint against Maj. Ray, but, of course, I didn't return the letter. Then it was deemed advisable to separate this man from Maj. Ray as soon as possible, so he was separated and brought here to Washington; and when he reached here he made a demand on me for that letter. I told him that I would not give it up under any circumstances; that it was a letter which I would have to keep, the charges being of such a grave and serious nature. Then he said that if there was a court-martial—

The CHAIRMAN (interposing). Was the charge subject to court-martial?

Gen. WHIPPLE. Yes, sir; if the charges could have been proven; but this man was the only witness, and he said that if he went on the stand—if he was compelled to go on the stand—he would deny the whole thing; that he would refuse to testify and would not give any evidence. He was trying to protect his wife, and he said he would not allow her to go on the stand and that he would not give any evidence himself. It was absolutely impossible to prefer any charges at all in that particular case. I have his letter here, if you desire to see it. Would you like to have me read it?

The CHAIRMAN. Yes.

Gen. WHIPPLE (reading):

ATLANTA, GA., June 25, 1910.

MY DEAR GENERAL: Circumstances have arisen that make it absolutely necessary that I be relieved from duty as personal clerk to Maj. B. B. Ray at the earliest possible date. This is not an application, and you will readily see after reading this communication just why I can not comply with paragraph 424 of the Paymaster's Manual, especially the last sentence.

Before proceeding any further I first desire to impress on you my desire for absolute secrecy relative to the information contained herein. I have a father 82 and mother 73, who celebrate their golden wedding anniversary in October, also two children, and I would brave any circumstances or conditions rather than bring shame and disgrace upon them or have anything made public that I am about to write. I should much have preferred a personal interview, but it seems impossible, as I could not get the leave just now to come to Washington and could not afford to do so at this time.

I have loved and honored my wife above everything else on earth, have trusted her as implicitly as I would my mother, and you can readily see to just what desperation I have been driven when I write this communication.

I have probably been partly to blame for what has happened by allowing Mrs. Blank to be in Maj. Ray's company to the extent that she has, but in extenuation of this fact I have only to say that I trusted her to the extent that I did not think it possible she could do wrong.

Within the past few days something, which I can not mention, forced me to the belief that there was something wrong. Last night I had an all-night talk with my wife, and she finally confessed to me that she had on several occasions been intimate with Maj. Ray; that from the first few months that I was assigned to him he had forced his attentions on her, had done everything in his power to make her untrue to me, but that up to the time of our leaving Honolulu she had repelled him, thinking that she could easily keep him at a distance, and not telling me because she considered that she was perfectly able to take care of herself; and as our relations were pleasant, and we always seemed sure of a pleasant station, etc., she kept the matter to herself. Upon our arrival in San Francisco we had rooms at the Hotel Manx, and it was there that he first succeeded in overcoming her scruples, securing the key between the rooms, and leaving the office in the afternoon, stating that he was attending to private business, only to go immediately to the hotel and enter my wife's room. The arguments he used were particularly contemptible and disloyal to me, he stating that it was only a question of time until I lost my position on account of my debts; that when I did lose my place he would see that she never needed anything, etc. The details are sickening, and I can not bring myself to write more along these lines, except to say that since then he has continually importuned and annoyed her, making all sorts of promises, and threatening that he would ask for a different clerk and make me lose my position if she did not comply with his demands. My wife is really but a child in experience, being 11 years my junior in age, naturally of a trusting and confiding disposition, and although, of course, I can see that there is no excuse for her actions, yet there are certainly extenuating circumstances. Maj. Ray insisted upon our coming to Chicago en route to Atlanta, and at the time I wondered why it was; it is clear to me now. The husband is always the last to suspect, it is said, and several times different people have mentioned to me that the major and Mrs. Blank were together a great deal, but I have always laughed it off, and several times have cautioned her about doing anything that might look compromising, but I have had such unbounded faith in her good sense and loyalty to me that I have been worse than blind.

I consider Maj. Ray's actions particularly unworthy those of an officer and gentleman and particularly ungrateful, in view of the fact that during his trouble in Manila I was the only friend he had in the Pay Department there. I kept him advised while in the States that he had enemies, stood by him at all times and made enemies for myself; when he and Mrs. Ray came to Manila, Mrs. Blank and myself gave up our own home, which we had furnished there, to them and went out to board; we have nursed both he and Mrs. Ray during illness and I have done everything in my power to forward his interests, both personal and official. I could not have been more surprised and pained.

Now, I am prepared to forgive and try to forget Mrs. Blank's part of this unfortunate affair. She leaves here on June 29 and goes to Washington, where she will be from July 1 to 6; from there she returns to her home in Blank for the summer. Maj. Ray had promised me two months' leave immediately upon completion of the maneuvers at Chickamauga Park and I was then going to come to Washington and have made overtures to get a position with Mr. Blank or Mr. Blank, two of my creditors, and try to work off some of my indebtedness.

You can readily see that my daily association with Maj. Ray is almost unbearable—that every time I look him in the face I want to kill him and that a continuation of our relations is impossible.

As I am entirely innocent in the matter, I desire a transfer and am willing to go anywhere with anyone rather than continue where I now am. I would love to get a chance to come home and see my people, but I am willing to give even that up if necessary.

I am writing this to tell you that my desire is to avoid publicity. No one will ever know that I have written you this letter; I will not let Mrs. Blank know under any circumstances that I have written you and I would prefer, if possible, that you do not show this communication to a living soul unless you consider it absolutely necessary, but in any event I would prefer to live and

bear the present situation rather than have anything come up publicly. What is your advice and how shall I go to work to obtain a transfer, this being inevitable?

In conclusion, it would appear that I have been considerable trouble to the Pay Department personally, but, General, if you knew my present situation with a son who is a confirmed epileptic, my father and mother in poor circumstances, and this last straw, I feel that I am about "all in."

As God is my witness, every line I have written is the whole truth and I hope and pray that you will believe and do something immediately to relieve me from a situation that is maddening.

Very truly, yours,

BLANK.

We expect to go to Chickamauga Park to maneuvers on the 29th. I feel as if I couldn't stand a month there with him.

Gen. C. H. WHIPPLE,

Paymaster General, United States Army.

The CHAIRMAN. The charges were against Maj. Ray, and he never denied them?

Gen. WHIPPLE. No, sir; the only letter on the subject that was referred to him was this reprimand, and he did not deny the charges.

Mr. DIFENDERFER. And he is still in the service?

Gen. WHIPPLE. Yes; he is still in the service.

Mr. COVINGTON. General, what was the cause of the reprimand that was given to Maj. Ray? What was the promoting cause?

Gen. WHIPPLE. A letter from the President to me, of a confidential nature, and I am perfectly willing to read that to you.

Mr. COVINGTON. Before you take up the letter from the President to you in regard to these actions of Maj. Ray, after you received the charge against Maj. Ray in due course of your official position what did you do with regard to them?

Gen. WHIPPLE. I arranged for an interview with the President at Beverly.

Mr. COVINGTON. What was the reason that in the particular case of Maj. Beecher B. Ray you should arrange an interview with the President of the United States as to any course of conduct to be pursued by you in regard to the officer's dereliction of duty?

Gen. WHIPPLE. I went to the Secretary of War, the Acting Secretary of War, Gen. Oliver, and laid this matter before him. I am not positive whether he suggested or whether I suggested seeing the President. If I suggested it, it was because there had been a great many newspaper reports about Maj. Ray, about the political work that he had done in Chicago, and I thought it was such a serious matter that the President ought to know about it. There is a section in the Revised Statutes that the Paymaster General of the Army shall perform his duties under the direction of the President, and that is still on the statute books. He is the only bureau chief in the War Department who is governed that way.

Mr. BULKLEY. On how many occasions have you consulted personally with the President with regard to disciplining any officers other than Maj. Ray?

Gen. WHIPPLE. I think only once.

Mr. BULKLEY. As Paymaster General?

Gen. WHIPPLE. Yes, sir.

Mr. BULKLEY. And how long have you been Paymaster General?

Gen. WHIPPLE. Since January 1, 1908.

Mr. COVINGTON. General, in the ordinary course of your official duty as Paymaster General of the Army, would the filing of a serious

charge against a paymaster be of itself sufficient cause for you to go to the President about the case?

Gen. WHIPPLE. It was simply to take the matter up with the President to find out how I should consider this confidential communication, whether it should be made the basis of a charge or whether I should treat it in a personal way. I never had had a charge made before of such a serious nature against any officer in my department.

Mr. COVINGTON. I will ask you frankly if this had been a charge of stealing against a paymaster in the Army, no matter how serious the surrounding circumstances were, and it had been communicated to you confidentially, but with such evidence as convinced you of the guilt of the paymaster, would you or not have felt that that required you to go to the President at Beverly, Mass., to discuss with him what you should do with that sort of a charge against a paymaster in the Army?

Gen. WHIPPLE. Well, in answer to that I think I would. I know the President very well. I knew him in the Philippine Islands, and I would have no hesitancy in going to him.

The CHAIRMAN. Is it usual to take such matters as this up with the President?

Gen. WHIPPLE. No; it is not usual.

The CHAIRMAN. What circumstances connected with this case induced you to do so then?

Gen. WHIPPLE. It was about that telegram from this clerk, recalling those papers. I wanted to get the very highest authority on it. I was naturally worried over the thing, to have a scandal of that kind in my department, and I knew the President well enough to go and see him and ask him about it.

Mr. COVINGTON. But you also knew from newspaper statements and other information that you had, that it was alleged that Maj. Beecher B. Ray had been active in political work for President Taft, did you not?

Gen. WHIPPLE. Yes; I had seen a great many things in the papers.

Mr. COVINGTON. And was it not the fact that you knew of the supposedly close relation between President Taft and Maj. Beecher B. Ray that prompted you to go to Beverly, Mass., in this particular case before you took any final step?

Gen. WHIPPLE. Well, that was not the main reason; no sir. That might have come into my mind, but the main reason was not on account of these stories that have been published in the papers. I determined to go to the President and ask his advice as to what I should do.

The CHAIRMAN. Did you know, as a matter of fact, that there was an unusually close relation between the President and Maj. Beecher B. Ray?

Gen. WHIPPLE. I don't know that there is a close relation. I only know that Maj. Ray has said that he knew the President very well.

The CHAIRMAN. Do you know the basis of that relationship?

Gen. WHIPPLE. No, sir; it is nothing but hearsay. I have heard a great deal of talk about this case, but I can't give you any facts. I have heard rumors and newspaper stories and all that sort of thing. I think this letter will answer some of the questions of Mr. Covington.

The CHAIRMAN. You may read it.
Gen. WHIPPLE (reading):

BEVERLY, July 5, 1910.

DEAR GEN. WHIPPLE: I have read the letter of Blank, which you have shown me, because you knew that in times past I had had a personal interest in the welfare of Maj. Ray. I have no relation to Maj. Ray that prevents my directing you to take the same disciplinary action in respect to him as in the case of any of your subordinates. It seems to me that it would be wise to send Gen. Garlington or a trusted assistant to inspect Ray's accounts and those of his clerk, as well as the charges Blank makes, and, if the facts turn out to be as Blank states them, to separate Blank from Ray at once. While Ray's conduct, if Blank's charges are true, should subject him to the severest condemnation, there seems from Blank's language and telegram to be such a condonation by him and his wife that it would be well to avoid the demoralizing scandal for the Army involved in court-martial proceedings, which would place a stigma on Blank and Mrs. Blank they could never recover from. Ray could be told that his superiors know his fault and have provided against it, but in the interest of his victims and the Army it was deemed best not to present it to a board on condition that he avoid such conduct in the future. These suggestions are upon the assumption that Blank's statements are true and that Gen. Garlington finds them to be so.

I do not favor court-martial proceedings in such cases where there is condonation, in order to prevent scandal. The Army suffers, the parties suffer, and only the prurient readers of such trials receive any advantage. The discipline enforced does not outweigh in its benefit for the Army the injury to the prestige of the Army and the demoralization it causes.

You can show this letter to Gen. Garlington and Gen. Oliver, but I would prefer that it do not go on your official files.

The course I suggest is the one it seems to me best with any paymaster, whoever he is. Maj. Ray did me some services of a political character years ago at the instance of my brother, and he is disposed to assume much too much on that score. I wish him treated as any other officer in the service, and I would make the same suggestion as to any Army officer in a similar case.

Sincerely, yours,

WM. H. TAFT.

Mr. DIFENDERFER. And he has been left in the Army service ever since?

Gen. WHIPPLE. Yes, sir.

Mr. DIFENDERFER. Does that letter follow a personal interview with the President?

Gen. WHIPPLE. He wrote it at the time of my interview. As soon as he read these papers he sat down and wrote it while I was sitting there, without any further conversation.

Mr. DIFENDERFER. After you had conferred with the President what did you next do in the matter of the case against Maj. Ray?

Gen. WHIPPLE. I went at once to Gen. Oliver, who was then acting Secretary of War, and showed him this letter of the President, and then I went to Gen. Garlington, the Inspector General of the Army, and arrangements were made for an inspection of Maj. Ray's accounts and the conduct of his office generally, and the report was sent to me. Everything was found correct and in good order. Before this inspection took place I relieved the clerk by bringing him to Washington. He came up in a very few days. After my return from Beverly the clerk was ordered to Washington.

Mr. COVINGTON. Through what channel was Gen. A. L. Mills, in command of the Department of the Gulf, communicated with in regard to the case that we are now discussing?

Gen. WHIPPLE. By the Chief of Staff, who represents the Secretary of War.

Mr. COVINGTON. That is, it was after you had returned from Beverly and communicated to the Secretary of War that the Chief of Staff, representing the Secretary of War, directed Gen. Mills to administer to Maj. Beecher B. Ray a reprimand?

Gen. WHIPPLE. Yes; that is right.

Mr. COVINGTON. And the reprimand which was administered to him by Gen. Mills was the only punishment ever meted out to him for the offense about which you visited the President?

Gen. WHIPPLE. Yes, sir; that was all.

Mr. COVINGTON. Maj. Ray is still in the service of the Pay Department of the Army, is he not?

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. When the papers in the case of Maj. Ray were first transmitted to Congress in response to the resolution of June 15, 1911, were the papers containing the reprimand of Gen. Mills to Maj. Ray and Maj. Ray's reply and the subsequent indorsements in due course, until they finally reached the Chief of Staff, included in those papers?

Gen. WHIPPLE. Yes; I will read you a statement here about that.¹

The CHAIRMAN. I will be pleased to have you make a copy of the letter from the President to you, omitting the names.

Gen. WHIPPLE. I anticipated that, Mr. Chairman, and I have a copy, leaving a blank wherever the names occur. Shall I do the same thing with reference to Maj. Ray, leave his name in?

The CHAIRMAN. Leave his name in.

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. Also, have you a copy of those three sheets with the names blank, the names that we are undertaking to protect?

Gen. WHIPPLE. These are the original sheets from The Adjutant General's Office.

The CHAIRMAN. Make a copy of them, omitting the name that we are trying to protect.

Gen. WHIPPLE. It will be satisfactory if I attach them to the hearing when it comes back?

The CHAIRMAN. Yes.

Gen. WHIPPLE. I will do that. We will attach the President's letter, these three sheets, and the complaint of the clerk—the clerk's letter to me.

The CHAIRMAN. With the name omitted.

Gen. WHIPPLE. Yes.

Mr. COVINGTON. At the time that these papers were transmitted to Congress in response to a resolution other papers in connection with other cases affecting the official and moral integrity of the paymasters were transmitted to Congress, were they not?

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. Among those papers were the papers in the so-called Tucker case, were they not?

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. As a matter of fact, didn't the papers in the Tucker case contain charges of as disgraceful a character and charges involving the good name of a woman at least as prominent as the person involved in the case against Maj. Ray?

¹ Not furnished.

Gen. WHIPPLE. That is a hard matter for me to answer. I couldn't hardly answer that.

Mr. COVINGTON. As a matter of fact, don't you know that the charges against Col. Tucker involved the moral uprightness of a woman much more prominent than the woman involved in the case of Maj. Ray and involved the morality of the woman who has since married one of the parties concerned in that case?

Gen. WHIPPLE. Yes; I do know that.

Mr. COVINGTON. Do you not also know that the papers in the Tucker case contained the name of the woman against whom charges of immorality were made and that there was no attempt to conceal any of the names of the parties in those papers?

Gen. WHIPPLE. Yes; I believe that is so.

Mr. COVINGTON. Did Gen. Wood have any conversation with you regarding his reason for not transmitting the papers in the Maj. Ray case, which related to the charge against him that has just been discussed?

Gen. WHIPPLE. He called me to his office after the papers had been transmitted to the Capitol.

Mr. COVINGTON. But the papers, as a matter of fact, were transmitted from the office of the Secretary of War, were they not?

Gen. WHIPPLE. My impression is that The Adjutant General transmitted them, but Gen. Wood could give instructions to have them transmitted.

Mr. COVINGTON. In the transmission of these papers their due course after leaving the office of The Adjutant General would be to go where?

Gen. WHIPPLE. They would go to the Chief of Staff, who is the representative of the Secretary.

Mr. COVINGTON. And the Chief of Staff sends them to the office of the Secretary of War, and they are then, by the Secretary of War, transmitted to Congress, are they not?

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. General, do you not recall that during the campaign when the President, then lately retired from the office of Secretary of War, was a candidate for his present office, that there appeared in the Washington Times an article of some length setting forth the fact of the organization in Chicago by Maj. Beecher B. Ray of headquarters for the purpose of working among the railway conductors and other labor organizations?

Gen. WHIPPLE. Well, I don't at this time recall that article. I did see a great many articles along that line, but the one you refer I don't recall. I may not have seen it.

Mr. COVINGTON. You were full Paymaster General of the Army during the whole of the year 1908?

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. As a matter of fact, during the summer of 1908 did you or not hear a great deal of the political activities of Maj. Ray?

Gen. WHIPPLE. Only what I read in the papers.

The CHAIRMAN. You have brought all the papers in your office bearing on the Ray matter?

Gen. WHIPPLE. Yes, sir; everything I have. I am disposed to give you gentlemen everything that I have. Everything is here before me that I have, with what is published in the document.

The CHAIRMAN. I will ask you to leave all of these papers that you have brought, and while you can not leave the originals, provide us a copy under the conditions that we have suggested.

Gen. WHIPPLE. Yes, sir. Mr. Chairman, Mr. Covington has alluded to my interview with Mr. Sweet and Mr. Hay. I have a letter from the President in which he directed me to see them and submit all these papers, but there is nothing especial in it. I don't suppose you would care for that.

The CHAIRMAN. We want to finish as soon as possible, and I think it would be best for you to insert in the record a statement showing where Maj. Beecher B. Ray was located from 1898, from the time he entered the service, where he was stationed, how long he was stationed at each place, what leaves of absence he had, the length of their duration, and what other paymasters were located at the same places at which he was assigned during the period covered. (See Appendix A and Appendix B.) Have you any record that will show where Maj. Ray was stationed in September or October, 1908?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. Where was he stationed?

Gen. WHIPPLE. He was on temporary duty at Chicago. He was on leave of absence from February 28, 1908.

The CHAIRMAN. What duration?

Gen. WHIPPLE. The first leave was granted him in the Philippines for two months on February 28; and that was extended two months and then extended again four months by the Secretary of War from June 28, 1908, and on August 17, 1908, it was extended to October 31, 1908. He was on temporary duty at Chicago at that time.

The CHAIRMAN. What do you mean by temporary duty?

Gen. WHIPPLE. He was due to return to the Philippines. When this leave was granted him he was in the Philippines, and he was due to go back there, so at the expiration of that temporary duty—

The CHAIRMAN (interposing). What do you mean by temporary duty? Was this during his leave of absence, that he was on temporary duty?

Gen. WHIPPLE. He surrendered his leave and was placed on temporary duty.

The CHAIRMAN. To do what?

Gen. WHIPPLE. To perform the duty of a disbursing officer in Chicago. I looked up the records of that and found that he did perform the usual amount of disbursing.

The CHAIRMAN. At that time how many other disbursing officers were at that station?

Gen. WHIPPLE. I am not certain whether there was one or two. I will insert that in the record.

The CHAIRMAN. I would like to have you also show what unusual amount of work or duty was to be performed or done by paymasters at that particular time and place that required the presence of Maj. Ray. (See Appendix C.)

Mr. DIFENDERFER. Was it usual to have more than one paymaster at the Chicago station?

Gen. WHIPPLE. Yes, sir; sometimes we have three there.

The CHAIRMAN. Where was he stationed in the latter part of the summer and fall of 1900?

Gen. WHIPPLE. Chicago, Ill.

The CHAIRMAN. Why was he stationed there, and how many other paymasters, if any, were stationed at that place at that time? Where was he stationed in the latter part of the summer and fall of 1904; why was he stationed at that place, and what other paymasters, if any, were there, and the reason for additional men in his class, if any, being stationed there at that time? Where is he stationed now, General?

Gen. WHIPPLE. He is in Chicago. (See Appendix D.)

The CHAIRMAN. Why is he there?

Gen. WHIPPLE. He was ordered there. My instructions came from the Acting Chief of Staff.

Mr. COVINGTON. Wasn't there published an order transferring Maj. Ray quite recently from Atlanta to New York?

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. What was the cause of his transfer immediately from New York to Chicago?

Gen. WHIPPLE. A special order of the War Department. I was directed to make a recommendation to The Adjutant General to have his station changed from New York to Chicago.

Mr. COVINGTON. Who directed you to make that order?

Gen. WHIPPLE. Gen. Carter, the Acting Chief of Staff.

Mr. COVINGTON. Then by direction of the Chief of Staff, Maj. Ray, transferred from Atlanta to New York, had his order revoked before he had actually performed any service in New York and was transferred to Chicago.

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. What peculiar demands of the Pay Department of the Army required him to be transferred from New York to Chicago before he had actually gotten to New York to perform any service?

Gen. WHIPPLE. I will look over the records and see if there was any necessity for a paymaster there.

Mr. COVINGTON. But this transfer was made by you within the last few weeks, was it not?

Gen. WHIPPLE. Very recently; yes, sir. It was done within two or three months.

Mr. COVINGTON. You certainly know, General, whether the situation at New York and at Chicago required the sudden transfer of a paymaster who had been detailed to New York to be immediately detailed to Chicago, and his order to go to New York revoked, do you not?

Gen. WHIPPLE. Well, they are both very important stations. I was directed, Mr. Covington, to make a recommendation to The Adjutant General requesting a change of station for Paymaster Ray. I was directed by Gen. Carter to write a letter to The Adjutant General asking for this change.

Mr. BULKLEY. Does the Secretary of War or the Chief of Staff concern himself with the change of paymasters?

Gen. WHIPPLE. He concerns himself with all the changes that occur.

Mr. BULKLEY. These matters are ordinarily handled by the Chief of Staff and not by you?

Gen. WHIPPLE. No; I have no right to issue orders at all.

Mr. BULKLEY. Where does the recommendation come from ordinarily?

Gen. WHIPPLE. From the Paymaster General.

Mr. BULKLEY. But in this case you were directed to make the recommendation?

Gen. WHIPPLE. Yes, sir.

Mr. BULKLEY. Is it usual for the Chief of Staff to direct you to make recommendations?

Gen. WHIPPLE. Yes; it has been done before.

Mr. BULKLEY. That is not the ordinary course, is it?

Gen. WHIPPLE. It is not always done that way. The bureau chief usually makes the recommendation.

The CHAIRMAN. At the time of this transfer—the revocation of the order directing him to New York and diverting him to Chicago—had there been any stress of business brought to your attention regarding the service and the requirement of additional help at Chicago?

Gen. WHIPPLE. Not specially; no, sir.

The CHAIRMAN. How many men at the time of this transfer that we have just been speaking of—of Maj. Ray, the revocation of the order sending him to New York and diverting him to Chicago—how many paymasters were there at that time stationed at Chicago?

Gen. WHIPPLE. I will put that in; I think there were two. (See Appendix F.)

The CHAIRMAN. But at the time of the revocation of the order directing him to report to New York and sending him to Chicago your office had made no complaint or asked for the services of an additional man at Chicago, had it?

Gen. WHIPPLE. No, sir; we had not.

Mr. COVINGTON. The Chief of Staff of the Army is not supposed to know any of the needs of the Pay Department that you as Paymaster General of the Army do not know, is he?

Gen. WHIPPLE. No, sir; I am supposed to know.

Mr. COVINGTON. Then it is not to be supposed that the Chief of Staff directed the transfer of Maj. Ray from New York to Chicago as the result of any particular needs of the service, is it?

Gen. WHIPPLE. No; I would say "no" to that.

Mr. COVINGTON. Had you intended to use his services there?

Gen. WHIPPLE. No, sir.

The CHAIRMAN. He was all the time subject to your orders, was he not?

Gen. WHIPPLE. Yes, sir.

Mr. COVINGTON. And you received an order from the Chief of Staff to transfer from New York to Chicago before he had actually gone to perform any service at New York?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. Are you familiar with any rule in the department forbidding officials of the Government from participating in politics? Isn't it a fact that there is a very rigid rule forbidding Government officials from any activity in politics?

Gen. WHIPPLE. I don't think that extends beyond the civil service, but it has been customary for Presidents to issue an order to that effect.

Mr. COVINGTON. Is it or not a usual thing for officers of the military establishment, such as Maj. Ray is, to participate overactively in politics?

Gen. WHIPPLE. No, sir; it is not at all usual.

Mr. COVINGTON. Isn't it extraordinary and unusual?

Gen. WHIPPLE. Well, I couldn't answer that, except to say that it is not usual.

Mr. COVINGTON. Can you cite the committee to any instances of activity by officers of the Army in politics?

Gen. WHIPPLE. I don't know, sir; I couldn't say positively.

Mr. COVINGTON. Going back to the service of Maj. Ray in the Philippines. There was some complaint about some vouchers, five Philippine Scouts, were there not? Please explain that as far as you can.

Gen. WHIPPLE. That is all in this report, as plainly as I could state it to you now.

The CHAIRMAN. Please state the substance to the committee in as concise language as you can.

Gen. WHIPPLE. The following gives a statement of the case: On October 10, 1907, Maj. Ray forwarded statements of five discharged Philippine Scouts and intentionally paid them no travel pay. That was on October 12, 1907. It says here:

By your direction your chief clerk altered these vouchers so as to show that travel pay had been paid, and you took the corresponding credit in your accounts.

The CHAIRMAN. Was there anything reprehensible in that?

Gen. WHIPPLE. Yes, sir; there was.

The CHAIRMAN. It was the subject matter for court-martial, was it?

Gen. WHIPPLE. It ought to have been.

The CHAIRMAN. But it was not?

Gen. WHIPPLE. He afterwards refunded this money. This matter was referred to me, and I put this indorsement on it:

FEBRUARY 17, 1909.

Respectfully returned to The Adjutant General. The unusual and irregular transactions of Maj. Ray mentioned in the within communication are regarded by the Paymaster General as of a very serious character and as constituting a total disregard of the practices of the pay department as founded on law and regulations. A copy of this paper will be placed on file in this office.

Then he was reprimanded for that and the incident closed. He was reprimanded by Gen. Mills, who was in the Philippines at that time, the same officer that reprimanded him at Atlanta, Ga.

The CHAIRMAN. Do I understand that a matter subject to court-martial is satisfied by reprimand?

Gen. WHIPPLE. That is discretionary with the commanding general.

The CHAIRMAN. Is it usual or is it the exception?

Gen. WHIPPLE. It is done sometimes. I wouldn't say that it is very usual, but it has been done. I have known of cases where a reprimand takes the place of a court-martial. It has been done before in several instances.

The CHAIRMAN. There was some complaint made about the stoppage of some money in the case of Private William H. Stewart, Company A and Company H, First Infantry. That is also referred to in the same document.

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. Was that conduct reprehensible?

Gen. WHIPPLE. Yes, sir; Mr. Kloeber can explain that.

The CHAIRMAN. I simply want to know whether it was or not such conduct on the part of an officer as would be reprehensible.

Mr. KLOEBER. No, sir; the actual money transaction was not, but following that there were certain statements made which did not seem to fit the facts in the case as shown by the vouchers.

The CHAIRMAN. Please be a little more explicit. Certain statements—do you mean to say that there were false statements made?

Mr. KLOEBER. Not statements which you could term false.

The CHAIRMAN. What is the punishment for that conduct?

Mr. KLOEBER. This was a thing that might be construed as involving a false statement, but the testimony showed that it was not a false statement in the actual meaning of the term. It might have been a mistake in the facts.

The CHAIRMAN. I am trying to find out what, if anything, is the punishment for an officer making a false statement.

Mr. KLOEBER. He is generally amenable to trial.

The CHAIRMAN. Subject to court-martial?

Mr. KLOEBER. Yes, sir.

The CHAIRMAN. Do you know, General, of any official messages that passed between the Chief of Staff and Col. S. C. Mills in Manila after the papers were sent to the Philippines, directing that they should be sent back?

Gen. WHIPPLE. No, sir; I never saw anything of the kind.

The CHAIRMAN. Did you have any information of such a message having been sent?

Gen. WHIPPLE. No, sir. I know some cablegrams were exchanged.

The CHAIRMAN. Who exchanged them?

Gen. WHIPPLE. I think they went from the office of the Secretary or the Chief of Staff. But that is only hearsay. The copies were never furnished to me, and I can not make any statement, because I don't know. I don't know the nature of any cablegrams that passed.

Mr. BULKLEY. Would there not be copies of such cables in The Adjutant General's Office?

Gen. WHIPPLE. No; they could not be there, because he would have furnished them in answer to this resolution. He would have sent those in.

Mr. BULKLEY. Does the Chief of Staff send cables, instructions, without their going through The Adjutant General's Office?

Gen. WHIPPLE. I understand so.

Mr. BULKLEY. Is that the regular course of business?

Gen. WHIPPLE. He has authority to do that.

Mr. BULKLEY. Do they usually do it? Is that the ordinary course of business?

Gen. WHIPPLE. The only way I could answer that would be to say that I think they frequently do it.

Mr. BULKLEY. Without furnishing copies to The Adjutant General?

Gen. WHIPPLE. Yes; I should say that.

Mr. BULKLEY. Would they then keep copies themselves in their own files?

Gen. WHIPPLE. I couldn't answer that.

Mr. BULKLEY. So that you don't know whether the record of all orders issued is complete in the War Department or not?

Gen. WHIPPLE. No; I do not. It is out of my department. I can not, of course, know what is done in another department. Our own records are kept very accurately.

Mr. BULKLEY. You testified about certain pages being taken out of the statement of The Adjutant General in answer to this resolution; taken out, I think you said, by the Chief of Staff, and you showed us three pages relating to a certain disgraceful transaction. Was that all that was taken out of the report? In other words, the papers relating to this matter of Maj. Ray's illicit relations with the wife of Mr. Blank is the only subject matter which was held back in making up the report to the House in answer to this resolution?

Gen. WHIPPLE. Yes, sir. These letters that I have just read to you, the one from Mr. Blank making the complaint—this man made a complaint to me in a confidential letter, and this letter from Mr. Blank was never put in my official files; neither was the letter of the President to me, marked "Confidential," as he told me not to put it on my official files. So those two letters were only known to the Secretary of War, to Gen. Garlington, and Gen. Wood, Chief of Staff, and, knowing about these letters, the Chief of Staff, in accordance with the President's wish, directed Gen. Mills to issue the reprimand.

Mr. BULKLEY. Can you say positively that there were no papers relating to any other subject matter concerning Maj. Ray that were withheld?

Gen. WHIPPLE. Oh, I am quite sure that was all.

Mr. KLOEBER. So far as our office is concerned, I know absolutely that was all.

Gen. WHIPPLE. I know that so far as The Adjutant General is concerned he has furnished you everything asked for, because he is a man who is very careful about complying with every request of that nature. I think that you have everything before you, and so far as I am personally concerned, I am perfectly willing to disclose anything I know of.

Mr. BULKLEY. You received a subpoena to come to this hearing some two or three days ago. Since you received that subpoena have you discussed this matter with the President?

Gen. WHIPPLE. Yes; I have once.

Mr. BULKLEY. How did you happen to do that?

Gen. WHIPPLE. Knowing the nature of these communications that I had of a confidential nature from him, I told him that I had been summoned before this committee and asked if he had any objections to my showing them, and he said certainly not, I could show anything he had written me. That is the only talk we had about the matter.

Mr. BULKLEY. So that you went to see the President on your own initiative?

Gen. WHIPPLE. Yes, sir; simply because I had spoken to him on one or two occasions, and this was a confidential letter and I wanted to know what his wishes were.

The CHAIRMAN. During the time that you refer to, did you have any conversation with the Secretary?

Gen. WHIPPLE. About all I told the Secretary was that I had been summoned before the committee.

The CHAIRMAN. The Secretary didn't come to you?

Gen. WHIPPLE. I will take all the responsibility for that. I went to the Secretary and said, "I would like to see the President." He asked me if it was important, because he was very busy. I told him it was in regard to a summons I had had from the Committee on Expenditures in the War Department, and after waiting a half an hour or so I saw the President and told him. That is all the conversation we had on the matter. He said I could show anything he had written me.

The CHAIRMAN. You said something about a paper, a letter.

Gen. WHIPPLE. This was a letter that he wrote me, the President, with reference to seeing Mr. Sweet and Mr. Hay. There is nothing especial in it, but I will read it if you would like to have it. [Reads:]

THE WHITE HOUSE,
Washington, July 14, 1911.

My DEAR GEN. WHIPPLE: I write this that you may show this to Mr. Hay and to Mr. Sweet of the Military Committee. You have come to me at your own instance with the statement that you have learned that Mr. Sweet is indignant because he thinks he has been misquoted in regard to the omission of two or three pages of the record of the War Department called for by House resolution 208. The part of the record omitted refers to a charge against Maj B. B. Ray of illicit relations with a certain married woman in respect to which I was consulted by you at the time the charge was made and also at the time the resolution was passed.

I saw Mr. Sweet in New Haven and told him of this fact, but deprecated its being brought out, as I thought it would tend to blast the reputation of a married woman, who, as I understand it, was living happily with her husband, and was not probably what the committee was searching for. I asked him to see Mr. Covington, who had prompted the resolution, and advise me or the Secretary of War or the Chief of Staff whether that part of the record might be omitted. I understood from the Secretary of War, and also from Gen. Wood, that Mr. Sweet had consented to the omission of that part of the record unless, upon its being brought to the attention of the committee, the full record was desired, and that in accordance with that understanding the particular pages of the record were omitted from the return until further notice was received from Mr. Sweet.

I do not desire any misunderstanding, and I wish that the whole record shall go to the committee, if the committee desire it, knowing what the circumstances are. I will ask you, therefore, to take the pages of the record to Mr. Hay, the chairman of the Military Committee, and to Mr. Sweet, show them the pages and such correspondence, confidential or otherwise, referred to in the record, which is not a part of it, as will make the record intelligible. You have also a letter from me, written in July last, when you consulted me about this matter, which I intended to be confidential and not to be put on the files, but I have no objection to your showing that letter to Mr. Hay and to Mr. Sweet, and if they desire to bring that out you may make it a part of the record. You will please explain to them the circumstances that, according to your understanding, Mr. and Mrs. Blank are living together happily, and the appeals which he has made to you to withdraw his original letter in which he made the charge and then leave to these gentlemen the decision as to what course you shall take.

Very sincerely, yours,

WM. H. TAFT.

Gen. CHARLES H. WHIPPLE,
Paymaster General.

The CHAIRMAN. In justice to the President, I think the committee would be pleased to have a copy of that.

Mr. BULKLEY. General, did you say that since being summoned here you have only been to see the President once on this matter?

Gen. WHIPPLE. Yes, sir. In case of my absence my assistant, Col. Downey, or the chief clerk of the Paymaster General's office, Mr.

Royall O. Kloeber, can give you any further information that you may desire on this matter.

Mr. BULKLEY. If you can do so, I would like to have you say that they are as fully acquainted with the matters as you are.

Gen. WHIPPLE. Yes; these gentlemen are as fully acquainted with the circumstances as I am.

The CHAIRMAN. We will now adjourn to meet on Monday morning next.

COMMITTEE ON EXPENDITURES
IN THE WAR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Washington, February 12, 1912.

The committee met at 10 o'clock a. m., pursuant to adjournment, Hon. Harvey Helm (chairman) presiding, to continue investigation of conduct of officers of the Pay Department of the Army, under House resolution 208.

Present: Representatives Difenderfer, Bulkley, Speer, and Warburton.

There were also present Gen. Charles H. Whipple, Paymaster General, United States Army, and Royall O. Kloeber, chief clerk Paymaster General's office.

STATEMENT OF PAYMASTER GEN. CHARLES H. WHIPPLE, UNITED STATES ARMY.

The CHAIRMAN. Referring to the charges against Maj. Beecher B. Ray in the Philippines, there were three separate and distinct offenses alleged against him, were there not, General?

Gen. WHIPPLE. Yes, sir; there were three.

The CHAIRMAN. Each of which could have been punished by court-martial?

Gen. WHIPPLE. We explained the third one; there were two charges—

The CHAIRMAN (interposing). I want to show—and it is the pleasure of the committee, I think, to show—all consideration to all parties, but it does occur to me that any conference between yourself and Mr. Kloeber should go in the record, and whenever Mr. Kloeber wishes particularly to make a statement it should go into the record, and I think it would be right that he should be sworn before the statement is made.

Mr. Kloeber is sworn.

The CHAIRMAN. It is understood now that if there is any conference it shall be taken and go into the record.

Gen. WHIPPLE. I understand that, sir. With your permission, Mr. Chairman, I would like to have Mr. Kloeber explain this third matter with reference to this \$10 transaction, for the reason that he is more familiar with it than I am.

The CHAIRMAN. The only thing that I am getting at is the fact that there were three separate and distinct charges against Maj. Beecher B. Ray while on duty as a paymaster in the Philippine Islands, each of which could have been punished by court-martial. State whether or not that is true.

Gen. WHIPPLE. I should say yes, sir, of the first two charges. The third one I have always had a little doubt about.

The CHAIRMAN. All three charges that have just been mentioned related to the handling, the proper handling, of Government funds, did they not?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. The fourth charge against Maj. Ray related to his moral conduct and his conduct as an officer of the Army, and not affecting any of the funds of the Army?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. In the fourth charge against Maj. Ray the punishment in that case could have been a court-martial?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. In the letter from the Acting Secretary of War, on page 23, I notice—

Gen. WHIPPLE (interposing). I beg your pardon, that is not from the Secretary of War, on page 23.

The CHAIRMAN. The point I am getting at is, this letter purports to be a letter, a copy of the reprimand sent to Maj. Ray relative to the alteration of the vouchers of the Philippine Scouts, does it not?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. Will you kindly explain how it is that this copy of this letter is on file in the War Department at Washington and that it is the only paper that is on file in the department at Washington relative to any charges against Maj. Ray in the Philippine Islands?

Gen. WHIPPLE. No, sir; I can't explain it. It is not a matter in my department at all.

The CHAIRMAN. There were three separate charges against Maj. Ray, and this is the only paper that has found its way back to the department at Washington in any of the three investigations, is it not, for record?

Gen. WHIPPLE. No, sir; the first charge with reference to the certification of voucher for travel pay.

The CHAIRMAN. With reference now to any paper that was returned from the offices in the Philippines on any of these charges to the department at Washington, is there any other paper contained in this letter known as document No. 90?

Gen. WHIPPLE. Not to my knowledge. The Adjutant General is officially responsible for those papers, and he has furnished everything that is in his possession. That I am very positive of.

The CHAIRMAN. If there were any other papers other than this one copy of this letter of reprimand, it would have been included in this paper?

Gen. WHIPPLE. It would, sir.

The CHAIRMAN. I am curious to know how it is that out of the entire record of each of the three separate investigations in the Philippines the War Department here has obtained a copy of only one letter, which constitutes a part of the record. Can you offer any possible explanation of that?

Gen. WHIPPLE. No, sir; I can't.

The CHAIRMAN. In this letter there is no reference whatever to the charge relating to the \$40 transportation transaction; nor of the

\$10 relating to the private, Mr. Stewart, I believe, in Companies A and H, First Infantry.

Gen. WHIPPLE. No, sir; I understand not.

The CHAIRMAN. Have you any information, either direct or indirect, that the missing records referred to were mailed back to Gen. Bell or anyone else by Gen. Bliss or anyone else by registered mail or in any other manner.

Gen. WHIPPLE. I have no official information. I only know from hearsay, that is all, that these papers were returned to the Philippine Islands. That is all I know about it. I think I stated in my former hearing what disposition was made of those papers.

The CHAIRMAN. I will give you my idea of the functions of a committee such as this committee. Its function is somewhat the same as that of a grand jury investigating charges, and I take it that it is entitled to any information, either direct or indirect, that would lead to the discovery or disclosure of information that sheds any light on the matter that the committee is investigating.

Gen. WHIPPLE. I am perfectly willing, Mr. Chairman, to give you any information that I have.

The CHAIRMAN. You say that you are in possession of some indirect information?

Gen. WHIPPLE. All I know is that the papers were sent back to the Philippine Islands. I understand they were sent back. It was never indicated to me officially, and where they are I don't at the present time know.

The CHAIRMAN. Have you any indirect information that would enable you to state your belief as to the present location of them; their present whereabouts?

Gen. WHIPPLE. No, sir; I have not.

The CHAIRMAN. Are you in possession of any statement of any person who purports to know where those papers are?

Gen. WHIPPLE. No, sir; other than what I have stated, that they were sent back to the Philippine Islands. That is all that I know.

The CHAIRMAN. You were questioned on the former occasion relative to some cablegrams concerning those records. You said that the only information you were in possession of was hearsay information. Will you please tell us what that information consisted of.

Gen. WHIPPLE. All that I know was I understood some cablegrams had passed.

The CHAIRMAN. From whom did you get this understanding?

Gen. WHIPPLE. Let me see; I can't recall, I can't give you the name. I might do an injustice if I quoted a name, but I understood that some cablegrams had passed between the Chief of Staff and the commanding general.

The CHAIRMAN. What was the purport of those cablegrams?

Gen. WHIPPLE. I will have to give you the best of my recollection, sir.

The CHAIRMAN. That is all we want.

Gen. WHIPPLE. My recollection, my impression at that time, is that a cablegram was sent to the commanding general of the Philippine Islands.

The CHAIRMAN. Who was commanding general at that time?

Gen. WHIPPLE. I think it was Gen. Weston; that no further action was to be taken on those papers.

The CHAIRMAN. What was your understanding as to who had sent that cablegram?

Gen. WHIPPLE. The Chief of Staff.

The CHAIRMAN. Who was the Chief of Staff at that time?

Gen. WHIPPLE. Gen. Bell.

The CHAIRMAN. If such a cablegram as you have mentioned had been sent, does it in any way tend to explain the absence of the records touching these investigations that were had of Maj. Ray in the Philippines; that is, their absence from the department in Washington?

Gen. WHIPPLE. I have no knowledge of the nature of those telegrams. I could not answer that question, because I don't know, except that I understood—

The CHAIRMAN (interposing). I am simply asking you that if it is a fact that a cablegram of that tenor or nature was sent, would that explain the absence of this record from the War Department in Washington?

Gen. WHIPPLE. I should think so.

The CHAIRMAN. A copy of such a cablegram would not be in your department or division?

Gen. WHIPPLE. No, sir; and I am very free and frank to state to you that I have never seen the telegram. I am giving you what is merely hearsay.

Mr. DIFENDERFER. Have you any reason to believe that those cablegrams are on record?

Gen. WHIPPLE. Judging by my own department—we are very careful about our records—I should think they would be.

Mr. WARBURTON. In what department were these cablegrams recorded, or the record made?

Gen. WHIPPLE. I should think in the office of the Chief of Staff.

Mr. BULKLEY. Why not in The Adjutant General's office?

Gen. WHIPPLE. Well, my understanding is that not all the papers of the Chief of Staff and Secretary's office go to The Adjutant General. I don't think it is customary to send them all.

Mr. BULKLEY. It isn't customary to send them all?

Gen. WHIPPLE. I don't think it is. That is my impression, that there are at times papers that are not sent to The Adjutant General.

Mr. BULKLEY. That is, orders are not sent?

Gen. WHIPPLE. Orders are sent, changes of station, and all that sort of thing, but I understand that confidential telegrams, for instance, might not be sent to The Adjutant General. Now, you are going into a department that I don't know anything about. I don't know their methods. I am perfectly willing to tell you anything I know about this case and the administration of my own affairs, but when you come to the Secretary's office or the office of the Chief of Staff I know absolutely nothing, and I don't think it is really right to ask me what their methods are, because I don't know.

The CHAIRMAN. Only so far as they relate to the general course of business?

Gen. WHIPPLE. Yes; I am perfectly willing to do that.

Mr. WARBURTON. We are just trying to discover how that might lead up to and get this information.

Mr. DIFENDERFER. The disposition of this committee is to be entirely frank in this matter, and I want to state, just incidentally, that

it seems to be extremely difficult to fasten anything that we want upon any particular department. We have been very lenient with the Army officers of this Government and have even gone so far as to keep certain statements out of the record for fear that they might reflect upon some superior officer. Now, I for one of this committee feel that many of these questions are referred to a superior officer upon which a witness does not care to reflect, and when you follow it up to that officer there is still a higher officer that he refuses to reflect upon, and finally we get it up to the Chief, who is the President of the United States. Now, we of course can't go that far, but it seems to me that if they were all frank in this matter we could get along very much better and facilitate matters a great deal. That is no reflection upon you, General.

Gen. WHIPPLE. But you do feel that I am trying to be frank?

Mr. DIFENDERFER. I believe so.

Gen. WHIPPLE. I am trying to tell you gentlemen all that I know about this case.

Mr. DIFENDERFER. Yes, sir; I am perfectly frank to say that you have been more free in giving testimony—I make no exception—than any man we have had here. I feel that way personally.

Gen. WHIPPLE. I am here before you to give you all the information in my possession. I have nothing to conceal.

The CHAIRMAN. General, these four charges against Maj. Ray covered a period of what time—those in the Philippine Islands and his conduct in the United States?

Gen. WHIPPLE. I do not know that I can give you the exact month, but it was in the winter of 1908.

The CHAIRMAN. The acts were committed in 1905 and the investigation was in 1908?

Gen. WHIPPLE. These charges were all in 1908, 1909, and 1911, covering the period up to last summer.

The CHAIRMAN. These records were sent in 1908, but the matters, the offenses to which they relate, had occurred in 1905?

Gen. WHIPPLE. 1907; November 13, 1907, up to July 11, 1910.

The CHAIRMAN. As to the last charge, now, in 1910, the consideration of the papers explained in the letter from the President to Messrs Hay and Sweet, and read to the committee on Saturday—the records do show that he was reprimanded for his last offense, do they not, General?

Gen. WHIPPLE. Yes, sir; I stated that to you on Saturday.

The CHAIRMAN. Please explain to the committee why under all the circumstances he was subject to a reprimand and not subject to a court-martial for an offense that is, under ordinary circumstances, subject to a court-martial.

Gen. WHIPPLE. Mr. Chairman, I think I explained that fully—

The CHAIRMAN (interposing). The point I am trying to get at is this: I understand the reason for the reprimand, the explanation of the reprimand, but what I am trying to get at is this: If anything had occurred that relieves the necessity of a court-martial or the grounds for a court-martial, do not those same circumstances relieve or obviate the necessity for a reprimand?

Gen. WHIPPLE. No, sir; I think not.

The CHAIRMAN. Please explain why.

Gen. WHIPPLE. I base my judgment, my information, on the letter from the President, which I read to you, in which he outlined as Commander in Chief of the Army in a confidential letter to me what should be done. He indicated that Maj. Ray should be reprimanded. The letter of this Mr. Blank was the only evidence that we had, and he tried on several occasions to get that letter—recalled it by telegram, by letter, and in person—and when I ordered him to Washington to report to me he told me that he would not appear before any court-martial, would not give any evidence whatever, and if he was forced to give any testimony he would state that the facts were not true.

The CHAIRMAN. In other words, that wiped the board off, so to speak?

Gen. WHIPPLE. Well, it wiped off the possibility or the probability of convicting Maj. Ray on these charges, because we did not have any evidence.

The CHAIRMAN. Then, why was he subject to reprimand when all basis for any charges whatever had been withdrawn? Why did not the action of Mr. Blank relieve the necessity of a reprimand, as it would have relieved the necessity of a court-martial?

Gen. WHIPPLE. If I did not put it in my hearing on Saturday, I intended to. This man did not deny that the facts were correct, but in an interview with me he stated most positively that he would not give any evidence before any court-martial; that he would protect his wife in any case.

The CHAIRMAN. You also put in the record that you believed the charges were true.

Gen. WHIPPLE. From what I heard from the man. He told me the charges were true.

Mr. DIFENDERFER. After Mr. Blank sent you that letter, subsequent to that he telegraphed you to withhold that letter, did he not?

Gen. WHIPPLE. Yes; I think he did. This is the telegram right here.

Mr. DIFENDERFER. But in that telegram also did he not state that the facts were true as presented in that letter?

Gen. WHIPPLE. I think he did.

Mr. DIFENDERFER. Now the case stands, as I understand it, before the President of the United States something like this: That this charge could not be proven. Now, if that can't be proven, there certainly is no charge resting against Maj. Ray, and if there is no charge resting against Maj. Ray, why is it that he should be reprimanded for a thing he didn't do?

Gen. WHIPPLE. Well, sir, when I presented that letter from the President to the Chief of Staff and Gen. Garlington, and after having consulted also with the Acting Secretary of War, Gen. Oliver, there was nothing to do but to obey the President's orders. He gave positive orders as to what should be done. That is the only answer.

Mr. DIFENDERFER. I can't understand why a man should be reprimanded for a thing he was not guilty of.

Mr. WARBURTON. I think Mr. Difenderfer is wrong about that. It might be very possible, quite probable, that the Chief of Staff would still be of the opinion that he was guilty, but I understand that the ordinary rules for a court-martial are the same as in civil

cases. If this man who had made the charges originally refuses to testify, as he might under the law, they could not find him guilty. They could not compel this man to testify.

Mr. DIFENDERFER. For the reason that there was no evidence against him, because this man could not be compelled to testify against his wife, and there was no chance to convict him.

Mr. BULKLEY. I think we are all familiar with things that we know are true but couldn't be proven.

The CHAIRMAN. My line of interrogation is not directed to that particular feature. I am simply saying that if the charge was withdrawn that there could be no grounds for a court-martial, it would occur to me that there also couldn't be any grounds for a reprimand.

Mr. WARBURTON. I think there should be a reprimand. If the officers were satisfied that he was guilty and couldn't prove it, he should be reprimanded.

Mr. DIFENDERFER. Then, Mr. Warburton, you believe, do you, that the officers did believe he was guilty?

Mr. WARBURTON. Undoubtedly, or they wouldn't have reprimanded him.

Mr. DIFENDERFER. Then why, if they did believe he was guilty, why should he be retained in the service?

Mr. WARBURTON. Oh, that is another thing. I probably agree with you on that.

The CHAIRMAN. On your former examination, in giving a list of leaves of absence and temporary duty detail of Maj. Ray in recent years, you stated that when he was in Chicago he was on a leave of absence. What does a leave of absence mean?

Gen. WHIPPLE. Officers are granted, are allowed, leaves.

The CHAIRMAN. What I am trying to ascertain is what is the significance or meaning of "a leave of absence."

Gen. WHIPPLE. I would like to have Mr. Kloeber answer that.

Mr. KLOEBER. A leave of absence, Mr. Chairman, is a relief from a duty status for the period for which the leave is granted.

The CHAIRMAN. There is nothing doing, to put it in the language of the street, during a leave of absence.

Gen. WHIPPLE. No, official duty; no, sir.

Mr. BULKLEY. Does the full pay go on?

Mr. KLOEBER. Up to certain limitations.

Mr. BULKLEY. Did Maj. Ray draw full pay during all that leave in 1908?

Mr. KLOEBER. He did not, sir.

Mr. BULKLEY. What pay did he draw?

Mr. KLOEBER. He drew half pay for part of the time. The law provides that the minimum pay of an officer shall be half pay.

Mr. BULKLEY. You say part of the time. Can you give some definite statement of that?

Mr. KLOEBER. Maj. Ray was on a half-pay status from April 18, 1908, to June 19, 1908. Then, under the law, which I will explain to you later, he remained on a full-pay status from June 20, 1908, to July 19, 1908, both days inclusive. He reverted again to half-pay status on July 20, 1908, and continued therein until August 16, 1908. Now may I explain why that one month is full pay and not half pay?

Mr. BULKLEY. After August 16 did he then draw full pay?

Mr. KLOEBER. Yes, sir. In the fall he was later on half-pay status for 10 days in November, 1908, but that was another leave.

Gen. WHIPPLE. He was on duty from August 16, official duty.

Mr. BULKLEY. I thought his leave extended into November.

Gen. WHIPPLE. No; he was on duty. I think I explained that in the last hearing. He was on duty commencing August 16 or 17 up to some time in October, when he reverted to a half-pay status, and then he went out to San Francisco to take a steamer for the Philippines.

Mr. DIFENDERFER. When did he take that steamer?

Gen. WHIPPLE. November 10.

Mr. DIFENDERFER. Immediately after election?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. I understood you to say that when an officer was on leave of absence he was released from all duties. Is that not true?

Gen. WHIPPLE. Yes; that is true.

The CHAIRMAN. Then, while Maj. Ray was in Chicago, or, let us say, on leave of absence, there was no duty for him to perform?

Gen. WHIPPLE. No, sir.

Mr. BULKLEY. In this document, on page 8, is the War Department's telegram, dated July 1, 1908, signed by Luke E. Wright, Secretary of War, granting four months' extension of leave of absence to Maj. Beecher B. Ray. Was that afterwards rescinded?

Gen. WHIPPLE. Well, he didn't avail himself of all that leave—of all the four months—because he was placed on duty on the 16th of August.

Mr. BULKLEY. How does that work? Does he voluntarily come back and say that he doesn't want the rest of his leave?

Gen. WHIPPLE. Yes; he relinquishes his leave and asks to be placed on duty.

Mr. KLOEBER. Or the department can at any time take the officer up and order him to duty.

Mr. BULKLEY. What was done in that case? Did they order him back to duty?

Gen. WHIPPLE. Yes; he was ordered back to duty.

Mr. BULKLEY. And was put on duty in Chicago?

Gen. WHIPPLE. In Chicago.

Mr. BULKLEY. Was he put on there in addition to the force that was already there, or did he relieve somebody?

Gen. WHIPPLE. He was put on as an additional man to relieve another paymaster.

Mr. BULKLEY. Was there any possible necessity in the office for an additional paymaster at that time?

Gen. WHIPPLE. In looking over his disbursements at that time I should say that there was. He did a great deal of work.

The CHAIRMAN. You were Paymaster General at that time?

Gen. WHIPPLE. I was Paymaster General at that time.

Mr. BULKLEY. Where did the recommendation originate—sending him back to duty at that time?

Gen. WHIPPLE. It originated in my office.

The CHAIRMAN. Were you ever requested by the President to change the station of Maj. Ray; and if so, when and how often?

Gen. WHIPPLE. I was requested by the President to change it to Atlanta.

The CHAIRMAN. When?

Gen. WHIPPLE. I think it was in 1909 that by his direction Maj. Ray was sent to Atlanta, Ga. Then the second time was to New York City. That was within the past two or three months, I don't remember the exact date.

The CHAIRMAN. That accounts for his presence in Chicago now, doesn't it?

Gen. WHIPPLE. It was in November, 1911, that the order was issued by direction of the President ordering him to New York City.

The CHAIRMAN. Now, at whose request was it that he did not go to New York City?

Gen. WHIPPLE. The only way that I can answer that is to tell you that I had orders from the Chief of Staff to change that order from New York City to Chicago.

The CHAIRMAN. Did you have any conversation with the Chief of Staff about this change in the order?

Gen. WHIPPLE. He said to me that the change was made on account of a surgical operation that was needed for Mrs. Ray in Chicago.

The CHAIRMAN. Who said that?

Gen. WHIPPLE. Well, Gen. Carter was the acting Chief of Staff and he stated that these orders had been requested from the White House.

The CHAIRMAN. Gen. Carter stated that to you?

Gen. WHIPPLE. Yes; that the orders had been requested from the White House to send Maj. Ray to Chicago.

The CHAIRMAN. Instead of New York.

Gen. WHIPPLE. Instead of New York, on account of his wife's health, as she needed a surgical operation, and the only surgeon that they wanted to perform this operation was in Chicago.

The CHAIRMAN. Can you put in the record, or are you able now to state, how frequently, how often leaves of absence and changes of stations, diverting Maj. Ray from one place to another, have been made on account of his wife's health. How often has his wife's health been used as the basis of an excuse or reason for making these changes? How often has he represented to the department that he needed changes of station, leaves of absence, on account of his wife's health?

Gen. WHIPPLE. I couldn't state it now, sir; and I am quite sure we have nothing on record.

The CHAIRMAN. As a matter of fact hasn't his wife's health been represented to the department frequently as a reason for changes of station, changes of location, and leaves of absence?

Gen. WHIPPLE. Yes, sir; that is my impression. I know on one occasion he mentioned it to me. I recall a conversation in which he said that his wife's health was not good.

The CHAIRMAN. As a matter of fact, his wife's health has been the basis of these requests, or represented as the basis of these requests, far more frequently than any other officer in the department, has it not, General?

Gen. WHIPPLE. Well, I couldn't say that. I can only recall, Mr. Chairman, two instances. He did mention it once to me, and I think he mentioned it once to the President.

The CHAIRMAN. His wife's health was bad in San Francisco, wasn't it, and she had to come East for an operation or a treatment of some kind?

Gen. WHIPPLE. Well, I haven't anything of record to that effect.

The CHAIRMAN. I am asking you from your knowledge.

Gen. WHIPPLE. Yes, sir; it is my impression that he did.

The CHAIRMAN. Frequently?

Gen. WHIPPLE. That he did, on his return from San Francisco, from Honolulu, that he did state it was necessary.

The CHAIRMAN. Now, General, what pay—travel pay—does an officer receive?

Gen. WHIPPLE. He receives 7 cents a mile. If you will allow me to ask Mr. Kloeber. He perhaps can recall. I think Maj. Ray didn't get any travel pay coming east from San Francisco. Wasn't he on leave of absence?

Mr. KLOEBER. I don't remember.

Gen. WHIPPLE. My impression is that he was not ordered there.

The CHAIRMAN. What is the policy of the department, General, in reference to the granting of these leaves and changes of station? What is the full period of duty of an officer?

Gen. WHIPPLE. It varies from three to four years. His changes are supposed to be made sometimes every three years and sometimes every four years, but frequently conditions will arise that will make it necessary to change him oftener.

The CHAIRMAN. Does an officer going from the United States to the Philippines receive travel pay for the entire journey?

Gen. WHIPPLE. No, sir.

The CHAIRMAN. What portion of the journey does he receive pay for?

Gen. WHIPPLE. For the land travel only. He gets expenses at the rate of \$1 a day while he is at sea.

The CHAIRMAN. I believe, and if I haven't done so, I will request you to show how many different stations Maj. Ray has been located at during his service in the Army. You have that with you?

Gen. WHIPPLE. You asked for that on Saturday, and I have it here.

The CHAIRMAN. I don't want to consume any unnecessary time.

Mr. WARBURTON. I would like to have that information.

Gen. WHIPPLE. Would you like to have it read?

The CHAIRMAN. Yes; I believe we will take the time to hear it.

Gen. WHIPPLE. He was first stationed in Washington from May 27, 1898, to June 14, 1898; Chicago, Ill., from June 15, 1898, to February 15, 1899; Washington, D. C., from February 17, 1899, to April 24, 1899; Denver, Colo., from April 29, 1899, to June 25, 1899; San Francisco, Cal., from June 27, 1899, to July 8, 1900; Chicago, Ill., from July 12, 1900, to April 22, 1901; San Francisco, Cal., from April 27, 1901, to July 16, 1901; Manila, P. I., and Iloilo, from August 12, 1901, to April 4, 1903; New York City, from May 14, 1903, to April 24, 1904; Chicago, Ill., from April 26, 1904, to May 31, 1907; San Francisco, Cal., from June 4, 1907, to August 5, 1907; Manila, P. I., from September 2, 1907, to June 29, 1908; Chicago, Ill., from August 17, 1908, to October 31, 1908; Manila, P. I., from December 15, 1908, to February 7, 1909; Honolulu, Hawaii, from March 8, 1909, to February 4, 1910; San Francisco, Cal., from February 12, 1910, to April 15, 1910; Atlanta, Ga., from May 31, 1910, to November 25, 1911; Chicago, Ill., from November 27, 1911, to date.

The CHAIRMAN. Is that an unusual record for a paymaster?

Gen. WHIPPLE. Well, these are more frequent changes than are usually made; yes, sir.

The CHAIRMAN. Is there any other man in the department connected with your office who has such a record as that for changing of stations?

Gen. WHIPPLE. No, sir.

Mr. WARBURTON. Did he have travel pay for all of these trips from one point to another?

Gen. WHIPPLE. My impression is that he did have travel pay with the exception of the one trip from San Francisco. I am not positive about that, but I will put it in the record if you desire.

The CHAIRMAN. I will ask you to place in the record a statement showing the entire amount received by him as travel pay incident to these changes, as the result of these changes.

Gen. WHIPPLE. I will see that that is done. (See Appendix E.)

The CHAIRMAN. Did you ever have any interviews yourself with the President relative to these changes of station?

Gen. WHIPPLE. Only with reference to Atlanta.

The CHAIRMAN. When was that?

Gen. WHIPPLE. I would have to look at that. [Referring to papers.] When he went down to Atlanta in May—the early part of May, I think it was—in 1910, I had an interview with the President with reference to a change of station, and that was with reference to his wife's condition. He wanted a milder climate, and he was sent to Atlanta, Ga.

The CHAIRMAN. Does the President usually concern himself with the stations of paymasters?

Gen. WHIPPLE. Not generally; but he does sometimes.

The CHAIRMAN. This is one of the times.

Gen. WHIPPLE. That is not the only time that the President has talked with me about changes of stations.

Mr. BULKLEY. Will you please enumerate, General, every occasion which you can remember on which the President has issued orders concerning change of stations of paymasters for reasons personal to the paymaster.

Gen. WHIPPLE. You want me to enter it into the record?

The CHAIRMAN. Yes, sir.

Gen. WHIPPLE. I will do so.

The CHAIRMAN. Can you answer it now?

Gen. WHIPPLE. Well, I think I can answer it. There was only one other case, and that was the case of Lieut. Col. Wallace. He was ordered to Chicago, and his station was changed to Denver. That is the only other case I know of.

The CHAIRMAN. Was that changed at the request of the President?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. When was that?

Gen. WHIPPLE. I will have to put that in the record. I don't recall the date. (November 28, 1909.)

The CHAIRMAN. General, how often have you had two paymasters at Chicago?

Gen. WHIPPLE. Frequently, sir. It is a very busy station—Chicago is.

Mr. BULKLEY. General, we would like to have you insert in the record all paymaster details at Chicago since you have been Paymaster General, showing the period that each man was in Chicago.

Gen. WHIPPLE. Yes, sir; I will do that. (See Appendix F.)

Mr. BULKLEY. You testified that Gen. Carter, as Acting Chief of Staff, ordered you to recommend the last transfer of Maj. Ray to Chicago. Was that order verbal or in writing?

Gen. WHIPPLE. That was verbal.

The CHAIRMAN. General, last Saturday when you were before the committee a question was asked you relative to the political activity of Maj. Ray. I believe you said that all you knew about it was newspaper reports and hearsay.

Gen. WHIPPLE. Yes, sir. I don't care to change that statement.

The CHAIRMAN. Examine the letter from the Acting Secretary of War at the bottom of page 9 and the top of page 10. Please read that portion of this Document No. 90 into the record.

Gen. WHIPPLE. At the bottom of page 9:

Subject, Beecher B. Ray, major, Pay Department. Communication dated July 11, 1908, received in The Adjutant General's Office July 11, 1908, from Paymaster General, United States Army. Purport of communication. Asks present status of Beecher B. Ray, major, paymaster. States that the latest information on this subject received in that office is contained in the accompanying letter from the Chief of Staff, dated June 11, authorizing Maj. Ray to sail at his own expense, in returning to the Philippine Islands, on the Pacific liner which is due to depart from San Francisco on July 11. In letter from Maj. Ray, dated July 6, he reported Chicago, Ill., as his address for July and August. Invites attention to inclosed clipping from the Washington Times, of Washington, D. C., dated July 10, stating that Maj. Ray is temporarily detached for duty at Chicago, Ill., in connection with the movement to have labor bureaus set candidate William H. Taft right with unions.

I stated it was from newspapers. I knew it from newspapers and hearsay evidence, and the only other way I knew anything about it, speaking in a general way, was that the President told me in his letter that his brother had Maj. Ray render some service to him.

The CHAIRMAN. Well, these newspaper reports, as a matter of fact, had become so universal and extensive that they had found lodgment in the records of your department, had they not?

Gen. WHIPPLE. Well, I don't recall everything in that regard. It is possible that there were other items besides this one in the Washington Times, but at the moment I don't recall them. There were, of course, a number of them in the papers.

The CHAIRMAN. If I recall the substance of the President's letter at the time you went to Beverly in regard to the matter, the President expressed the desire that Maj. Ray should be treated as other paymasters, did he not?

Gen. WHIPPLE. He did in that letter; yes, sir.

The CHAIRMAN. This occasion, these interviews that you have had, or interview that you had with him, and the direction of the Acting Chief of Staff, Maj. Gen. Carter, in reference to this transfer would indicate that he wanted him treated a little bit better, would it not, General?

Gen. WHIPPLE. Well, he never expressed that me, sir. I never got that impression. I will say this, what possibly you all know. I felt all the time that the President ought to know the details of this, and I went to him this last summer and found to my surprise that he did

not know all of the details in connection with the Ray case. I told him everything that I knew. I went of my own accord, and he was surprised that he had not been informed before about it—that he had not known of all these details that I told him—and I am satisfied the President did not know the full history of the case until I told him, some time during the summer. I can't tell you just exactly the date, but it was during the summer.

Mr. WARBURTON. Did you give him the details of these other irregularities?

Gen. WHIPPLE. I did, sir. I told him everything in connection with the case. It was before this resolution was introduced.

Mr. SPEER. Then, it is a fact that the President never suggested to you that Maj. Ray should have any other treatment?

Gen. WHIPPLE. No, sir. In fact, the letter very plainly states that he didn't want any special consideration shown him.

The CHAIRMAN. As a matter of fact, and I believe you have stated, that no other paymaster in the department has been changed from one station to another as often as he has?

Gen. WHIPPLE. Yes, sir.

Mr. SPEER. It doesn't follow that the President asked for it.

Mr. BULKLEY. How many paymasters are there in the Army?

Gen. WHIPPLE. Fifty-two. The Paymaster General makes 53, but there are 52 paymasters.

Mr. DIFENDERFER. Are you ready to submit copies of those letters to the committee this morning?

Gen. WHIPPLE. The letters that I read on Saturday, the confidential letters of the President?

Mr. DIFENDERFER. Yes, sir.

Gen. WHIPPLE. I am, sir.

Mr. KLOEBER. But we are to have the hearing, are we not, to look over it before it comes back?

The CHAIRMAN. Yes, sir; certainly, but I want to look over these papers, and I want you to identify them in such manner in the record.

Mr. KLOEBER. Yes, sir; certainly. You don't want us to leave them here now?

The CHAIRMAN. I want the papers left with the committee, to give the committee an opportunity to look them over.

Mr. KLOEBER. Then, we can correct the hearing afterwards, and put the hearing and these papers together?

The CHAIRMAN. Certainly. I want all papers left with the chairman of the committee in order that we may decide upon what shall and shall not go into the record.

Mr. KLOEBER (addressing Gen. Whipple). Here is one letter that you wish to consult the committee about.

The CHAIRMAN. Have you copies of the letters from the President with you this morning?

Gen. WHIPPLE. I have, sir.

The CHAIRMAN. I would be pleased to have you read them into the record in the form that has been decided upon, omitting any names.

Gen. WHIPPLE. You want the two letters that the President wrote me?

The CHAIRMAN. Yes, sir.

Gen. WHIPPLE (reading):

BEVERLY, July 5, 1910.

Personal and confidential.]

DEAR GEN. WHIPPLE—

The CHAIRMAN. This letter was written in your presence at the time you went back to see him?

Gen. WHIPPLE. Yes, sir [reading]:

I have read the letter of Blank (regarding Paymaster Ray), clerk to Paymaster Ray, which you have shown me because you knew that in times past I had had a personal interest in the welfare of Maj. Ray. I have no relation to Maj. Ray that prevents my directing you to take the same disciplinary action in respect to him as in the case of any of your subordinates. It seems to me that it would be wise to send Gen. Garlington, or a trusted assistant, to inspect Ray's account and those of his clerk, as well as the charges Blank makes, and if the facts turn out to be as Blank states, to separate Blank from Ray at once.

While Ray's conduct—if Blank's charges are true—could subject him to the severest condemnation, there seems, from Blank's language and telegram, to be such a condonation by him and his wife that it would be well to avoid the demoralizing scandal for the Army, involved in court-martial proceedings, which would place a stigma on Blank and Mrs. Blank that they could never recover from. Ray could be told that his superiors know his fault and have provided against it, but in the interest of his victims and the Army it was deemed best not to present it to a board, on condition that he avoid such conduct in the future.

These suggestions are upon the assumption that Blank's statements are true and that Gen. Garlington advises them to be so. I do not favor court-martial proceedings in such cases, where there is condonation, in order to prevent scandal. The Army suffers, the parties suffer, and only the prurient readers of such trials receive any advantage. The discipline involved does not outweigh in its benefit for the Army the injury to the prestige of the Army and the demoralization it causes.

You can show this letter to Gen. Garlington and Gen. Oliver, but I would prefer that it do not go on your official files. The course I suggest is the one it seems to me best under the circumstances.

Maj. Ray did me some service of a political character years ago at the instance of my brother, and he is disposed to assume much, too much, on that score. I wish him treated as any other officer in the service, and I would make the same suggestion as to any Army officer in a similar case.

Sincerely, yours,

WILLIAM H. TAFT.

Mr. BULKLEY. Did he ever tell you which brother he meant?

Gen. WHIPPLE. No; that was all the conversation we had on that subject. We had no conversation on the subject on that point.

Mr. SPEER. So far as Maj. Ray's accounts were concerned, they were investigated, as I understand, and found to be correct?

Gen. WHIPPLE. Yes, sir.

Mr. SPEER. And this Mr. Blank who made the charge against him withdrew it and refused to prosecute?

Gen. WHIPPLE. Yes, sir.

Mr. SPEER. And notwithstanding that, Maj. Ray was reprimanded?

Gen. WHIPPLE. Yes, sir.

Mr. DEFENDERFER. But not dismissed?

Gen. WHIPPLE. The other letter is as follows:

THE WHITE HOUSE,
Washington, July 14, 1911.

MY DEAR GEN. WHIPPLE: I write this that you may show it to Mr. Hay and Mr. Sweet of the Military Committee. You have come to me at your own

instance with the statement that you have learned that Mr. Sweet is indignant because he thinks he has been misquoted in regard to an omission of two or three pages of the War Department report called for by H. R. 208. The part of the record omitted refers to a charge against Maj. Beecher B. Ray of illicit relations with a certain married woman, in respect to which I was consulted by you at the time the charge was made and also at the time the resolution was passed. I saw Mr. Sweet in New Haven and told him that I deprecated its being brought out, as I thought it would tend to blast the reputation of a married woman whom, as I understood, was living happily with her husband, and was not probably what the committee was searching for.

I asked him to see Mr. Covington, who had prompted the resolution, and advise the Secretary of War or the Chief of Staff whether that part of the record might be omitted. I understood from the Secretary of War, and also from Gen. Wood, that Mr. Sweet had consented to the omission of that part of the record, unless upon its being brought to the attention of the committee the full record was desired, and that in accordance with that understanding the particular pages of the record were omitted from the return until further notice was received from Mr. Sweet. I do not desire any misunderstanding, and I wish that the whole record shall go to the committee, if the committee desires it, and to know what the circumstances are. I will ask you, therefore, to take the pages of the record to Mr. Hay, the Chairman of the Military Committee, and to Mr. Sweet, and show them the pages and such correspondence, confidential or otherwise, referred to in the record, which is not a part of it, as will make the record intelligible. You have also a letter from me, written in July last, when you consulted me about this matter, which I intended to be confidential and not to be put on the files, but I have no objection to your showing that letter to Mr. Hay and to Mr. Sweet. If they desire to bring that out you may make it a part of the record. You will please explain to them the circumstances, that according to your understanding Mr. and Mrs. Blank are living together happily, and the appeals which he has made to you to withdraw his original letter in which he made the charge, and then leave to these gentlemen the decision as to what course you shall take.

Very sincerely,

WILLIAM H. TAFT.

Gen. CHARLES H. WHIPPLE, *Paymaster General*.

Now, perhaps I ought to say, Mr. Chairman, that the only other papers I have is a letter from Mr. Sweet.

The CHAIRMAN. You have a copy of that letter from the party associated with Maj. Ray, the letter that caused you to go to Beverly; you have that letter with you?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. Please leave that with us. All your papers will be properly guarded.

Gen. WHIPPLE. Do you want the originals?

The CHAIRMAN. Have you a copy?

Gen. WHIPPLE. Yes; these are the copies and the three sheets that were omitted.

The CHAIRMAN. Do I understand that you have copies of all the original papers?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. You have them with you this morning?

Gen. WHIPPLE. Yes, sir; right here. The copies of everything in my possession are in that file there [indicating].

The CHAIRMAN. General, getting back to the charges again, when the charges were made against Maj. Ray in the Philippine Islands in 1908, there was an investigation by a board appointed to investigate those charges, was there not?

Gen. WHIPPLE. By a board of officers?

The CHAIRMAN. Yes, sir.

Gen. WHIPPLE. Yes, sir; there was.

The CHAIRMAN. There was a stenographic report of this investigation, was there not?

Gen. WHIPPLE. I think that is all in these papers.

The CHAIRMAN. There is a reference to a stenographic report, isn't there?

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. How could that paper have gotten into the record without the originals being somewhere here in the department?

Gen. WHIPPLE. Well, I can't answer that. I don't know.

The CHAIRMAN. Do you know, from hearsay or otherwise, whether these records are in Washington?

Gen. WHIPPLE. I know only from hearsay.

The CHAIRMAN. What is the source of your information?

Gen. WHIPPLE. Well, I can't state positively, sir; but my impression is that it is The Adjutant General of the Army, and he certainly would have furnished them if they had been in his office.

The CHAIRMAN. I understand that they are not in his office, but I am asking you if you have any information from any source that as a matter of fact they are in the department in Washington?

Gen. WHIPPLE. No, sir; I don't know. I only know that they are not with The Adjutant General.

The CHAIRMAN. Have you ever heard anyone say that they are in Washington?

Gen. WHIPPLE. No, sir; I never have.

The CHAIRMAN. Are there any card indexes in the office, your office, or anyone else's that would indicate their presence?

Gen. WHIPPLE. Not in my office there is not. I could not answer for the others.

The CHAIRMAN. In the usual course of handling papers there would be card indexes, would there not?

Gen. WHIPPLE. I should think so.

The CHAIRMAN. Have you had any information, either directly or indirectly of such a record by card index?

Gen. WHIPPLE. As to these papers?

The CHAIRMAN. Yes, sir.

Gen. WHIPPLE. No, sir; I have not.

The CHAIRMAN. Is there any record in your office, by card index or otherwise, showing how these orders were made over your head, General?

Gen. WHIPPLE. No, sir; I think not, except that the orders were made by verbal order.

The CHAIRMAN. What orders are you now referring to as being verbal orders?

Gen. WHIPPLE. On two occasions, from the President—or three occasions.

The CHAIRMAN. Touching what?

Gen. WHIPPLE. You are asking about the changes of station of Maj. Ray?

The CHAIRMAN. No; I am talking about these papers.

Gen. WHIPPLE. Oh, the papers; no, sir.

The CHAIRMAN. Were you in Chicago in 1901, during the period that Maj. Ray was on duty there?

Gen. WHIPPLE. Part of that time; yes, sir. Part of that time he was under me. I was the chief paymaster of that department in

1900 and 1901, in November, and up to November, 1901, when I went to the Philippines, and he was there a few months under me.

The CHAIRMAN. Was he on active duty?

Gen. WHIPPLE. On active duty; yes, sir.

The CHAIRMAN. Are there any papers on file in your office relating to any requests from political sources or otherwise for the assignment of Maj. Ray for duty in Chicago or elsewhere?

Gen. WHIPPLE. I think not, sir. I think we would have furnished them.

The CHAIRMAN. This is in regard to papers of a political nature, as to his duties?

Gen. WHIPPLE. I don't recall any, sir.

The CHAIRMAN. Will you please examine the records, and if you find such papers have them inserted in the record?

Gen. WHIPPLE. Yes, sir; I will do that. You mean covering the period of this resolution?

APPENDIX G.

[Translation of cablegram received at 12.21 a. m. November 4, 1907.]

MANILA.

McINTYRE, *Washington*:

Go to J. Franklin Bell, Culver C. Sniffen, and Charles H. Whipple confidentially, fix it up with them so that Beecher B. Ray can be ordered at once, without exciting comment, to Chicago for station.

EDWARDS.

[Translation of cablegram sent.]

NOVEMBER 4, 1907.

To EDWARDS, *Manila*:

Culver C. Sniffen strongly opposed to returning Beecher B. Ray to the United States; says Beecher B. Ray is politically unreliable and has brought influence of Cullom, Hemenway to prevent his going to the Philippines; evidently appealed to them as friends of Cannon and Fairbanks by representations of support with his influence.

McINTYRE.

NOVEMBER 5, 1907.

MY DEAR GEN. WESTON: Maj. Beecher B. Ray, of the Pay Department, arrived in Manila on September 2, 1907, for the usual tour of duty.

Knowing that it was about time for him to serve a tour in the Philippine Islands, his opposition to going there began on September 10, 1906, when a letter was written to The Military Secretary by Senator Hemenway, asking that Maj. Ray be left with station in Chicago. On March 21, 1907, Contract Surgeon Stanton reported that Maj. Ray had frontal sinusitis and was not fit for service in the Tropics, and would not be fit for such duty for at least six months; upon receipt of which the Surgeon General recommended that Maj. Ray be ordered to the general hospital, Presidio of San Francisco, "for one month for observation and treatment, with a view to careful determination of his fitness or unfitness." Agreeably to such recommendation, Maj. Ray was so ordered and arrived at the hospital on June 4. On June 14 Col. Torney, commanding the hospital, reported by wire to The Adjutant General that Maj. Ray was fit for duty in any climate and recommended orders for his relief from observation. In the meantime two efforts were made by Senator Hemenway, who is reputed to be an advocate of Vice President Fairbanks, and by Senator Cullom, who is reputed an advocate of Speaker Cannon, for Maj. Ray's retention in Chicago; and it is known to the Secretary of War and the Chief of Staff that Maj. Ray sought to impose his political importance on a relative of the Secretary with a view to being retained in Chicago.

Upon receipt of his order for Manila, Maj. Ray could not be furnished with transportation on the *Logan*, as it was already filled, but the *Warren* was sent out at about the same time for a special trip, and a telegram was sent by The Adjutant General to the commanding general Department of California to "instruct Maj. Ray to proceed to Manila on the *Warren*." This he did as far as Honolulu, when, on August 13, he was transferred to the *Logan* and two nurses transferred to the *Warren*, on the certificate of Transport Surgeon Smith that Maj. Ray had "chronic appendicitis, which has been showing some few signs of activity during the past few days," and the *Logan* had superior facilities for an operation if one should have to be performed.

Do you not think that chronic appendicitis which can be cured, allayed, or dispersed by a single change of transports is a negligible ailment?

And now he has imposed upon Gen. Edwards, who yesterday cabled to McIntyre, his assistant in the Insular Bureau, to confidentially see Gens. Bell and Sniffen and Col. Whipple and "fix it up with them so that Beecher B. Ray can be ordered at once, without exciting comment, to Chicago for station." McIntyre came to me only, and cabled back yesterday as follows: "Culver C. Sniffen strongly opposed to returning Beecher B. Ray to the United States. Says Ray is politically unreliable and has brought influence of Cullom and Hemmenway to prevent his going to the Philippines; evidently appealed to them as friends of Cannon and Fairbanks by representations of support with his influence." It is to be hoped this will put Edwards wise. Evidently he did not take the Secretary into his confidence when he cabled to McIntyre, as the Secretary knows Ray's case thoroughly and refused to consider the efforts made for his retention in the United States.

Maj. Ray's first tour of duty in the Philippines was cut short by five months in order that he might return to the United States and attend a certain railway convention in the interest of a United States Senator—and it is known absolutely that on his return to the United States he did not go near the convention. Now, what I want to accomplish is that you will be good enough to show this letter *confidentially* to the chief surgeon or attending surgeon in Manila, so that he can be prepared to meet the next move, *sure* to be made, for Maj. Ray's return to the United States before the next presidential election is over, and, consequently, before one year of his foreign service shall have passed; for I assure you that he is the most astonishing example of unbounded bluff and limitless gall that I have ever met in my life, except Maj. Joseph Wham, late of the Pay Department and now on the retired list, and Ray and Wham are co-equals in every respect.

I shall mail a manifold copy of this letter to Gen. Wood, so that in case of your absence he can be as fully informed as yourself.

I hope Mrs. Weston and you keep well and are enjoying a tropical climate as much as Anglo-Saxons can.

Sincerely,

C. C. SNIFFEN.

Maj. Gen. JOHN F. WESTON, United States Army.
Manila, P. I.

WAR DEPARTMENT,
OFFICE OF THE PAYMASTER GENERAL,
Washington, April 9, 1910.

[Memorandum: Mr. Rice presented this paper in person to the Paymaster General on April 7, 1910, who advised him relative to the facts in the case. Mr. Miller, after consulting Gen. Bliss, stated that he would personally wire Maj. Ray of what he had learned in the matter. No official reply being necessary, this paper has been filed in this office.]

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D. C., April 1, 1910.

The PAYMASTER GENERAL,
United States Army.

DEAR SIR: You will probably remember that some time ago I took up with you the subject of the transfer of Maj. B. B. Ray, paymaster of the Army, from Honolulu to San Francisco, my request being based on the fact that his wife was compelled to go to the hospital at San Francisco for treatment. I am grateful to you for your action in the matter in granting the transfer. Since that

time the major has been with his wife, who has been and still is in a very critical condition, not only physically but I am fearful that there is a breaking down mentally. On account of the excessive pain caused by two abscesses in her ears, she is kept almost constantly under the influence of an anesthetic. At the present time her friends and relatives are trying to get her into Dr. Sterne's sanitarium at Indianapolis, Ind., as soon as her physical condition will allow it, so she will not only be in a place where she will receive the best of treatment but will be near her father and mother. Her husband is most desirous that she should go to this sanitarium, and if you can see your way clear to grant to Maj. Ray a temporary transfer from San Francisco to Chicago, so that he may be near his wife, you will be doing an act of humanity which is, I believe, fully justified under the circumstances in the case, and you will be conferring upon the major a favor that he will most fully appreciate, and I can assure you that I should appreciate it most heartily also. On account of my intimate relations with Maj. Ray's father and mother, two of the best friends I ever had, I am very much interested in the son and his good wife. I want him to be as near to Mrs. Ray as possible during the few remaining years she has to live. The fact is, I am fearful that it will not be many months before he will be called upon to bury her.

Thanking you sincerely for your kindness in the past, I remain,
Yours, very truly,

JAMES M. MILLER,
Member of Congress.

[Conductors' Council, Order of Railway Conductors, Room 1013, New York Life Building, Chicago, Ill. Hall of Division No. 293.]

(Received. The White House, Jan. 16, 1911.)
(Asst. and Chief Clerk, Jan. 17, 1911. War Department.)

To HON. WILLIAM H. TAFT,
President of the United States:

Be it resolved, That Division No. 293, Order Railway Conductors, most urgently requests that Maj. B. B. Ray, chief paymaster, United States Army, be assigned to duty in Chicago as chief paymaster, United States Army.

The railway men of Chicago and the West have insisted on the return to this city of Brother Ray, who has been an active member of our order and has legion of friends. We feel that his being stationed in our city would be a benefit along many lines to his friends and his party.

We make this request on account of the health of Mrs. Ray, so that she may be close to her friends and relatives and to Dr. Menge, of Chicago, who knows her case and, we believe, would be better able to handle it than any other physician, and also on account of Brother Ray's strong personality among our membership and his advice in questions which will come up in the near future.

Very respectfully, yours,

GEO. S. LANE,
Chief Conductor.

Attest:

JOHN A. LEWIS,
Secretary and Treasurer.

PAYMASTER GENERAL'S OFFICE,
War Department, January 19, 1911.

Respectfully returned to The Adjutant General.

There is no requirement of the service which would justify the Paymaster General in recommending that Maj. Ray be relieved from duty at his present station, Atlanta, Ga., and assigned to station in Chicago, Ill.

It is detrimental to the best interests of the Pay Department to have the stations of Army paymasters changed for reasons other than the requirements of the service.

C. H. WHIPPLE,
Paymaster General, United States Army.

The CHAIRMAN. General, have you ever protested to the President or anyone else about the activities or conduct of Maj. Ray?

Gen. WHIPPLE. Only in reference to these charges in the Philippines. When I had the talk with with him and told him the history of the case this past summer I expressed my views.

The CHAIRMAN. The President was well advised as to the status of Maj. Ray, on the charges in the Philippines, and on this other matter?

Gen. WHIPPLE. He was not posted until last summer; no, sir; he didn't seem to know about these charges until then.

The CHAIRMAN. At the time he made the request that he be relieved from Atlanta and sent to New York he was fully advised of Maj. Ray's standing and status in the department?

Gen. WHIPPLE. Yes; I think so.

The CHAIRMAN. Has any member of the committee any questions that he desires to ask?

Mr. WARBURTON. Was any recommendation ever made by your department that Maj. Ray be relieved of duty?

Gen. WHIPPLE. At any of these stations?

Mr. WARBURTON. I mean discharged from the Army.

Gen. WHIPPLE. Discharged from the Army? No, sir; I don't know of any. I only know of my own indorsements here on these papers.

Mr. WARBURTON. That is what I meant to ask—if any recommendation by yourself had been made that he be discharged.

Gen. WHIPPLE. I made a recommendation that these papers should be sent back to the commanding general for final action, because I thought the charges were serious enough to be brought to his attention. He was the officer who had charge of that division at that time.

The CHAIRMAN. I don't understand that you ever recommended his dismissal, did you, General?

Gen. WHIPPLE. No, sir. That is a matter that is rarely done. An officer is always tried by court-martial in a case of that kind. He is given every opportunity to defend himself, and the proper procedure is a court-martial.

The CHAIRMAN. You did, however, recommend a court-martial?

Gen. WHIPPLE. I had that in my mind when I put this indorsement on recommending that these papers be sent back to the commanding general for action.

The CHAIRMAN. Under ordinary rules that would precede a discharge?

Gen. WHIPPLE. Yes; the same procedure as that for a soldier or enlisted man. They must be tried by court-martial.

Mr. DEFENDERFER. That would be your only course of procedure, as I understand it.

Gen. WHIPPLE. Yes, sir.

The CHAIRMAN. Now, General, I understand that all papers connected with this affair are before the committee?

Gen. WHIPPLE. All papers that I know anything about; yes, sir—that is, I will have to put it a little differently from that. All papers that are in the possession of the Paymaster General's Office bearing on this case.

The CHAIRMAN. You will kindly leave them with the committee.

Gen. WHIPPLE. You understand that there are some papers that are going to be filed with these records that you asked for.

The CHAIRMAN. We will adjourn to meet to-morrow morning at 10 o'clock.

COMMITTEE ON EXPENDITURES,
WAR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Washington, February 14, 1912.

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

STATEMENT OF LIEUT. COL. GEORGE F. DOWNEY, DEPUTY PAYMASTER GENERAL.

The CHAIRMAN. The committee will please come to order. Colonel, will you please state your full name?

Col. DOWNEY. George F. Downey.

The CHAIRMAN. What is your official position in the War Department?

Col. DOWNEY. My official position is different now from what it was a few days ago. My official position was originally that of assistant to the Paymaster General of the Army until his retirement on the 15th of this month. I have been transferred to the post paymaster's office, where I am now post paymaster of Washington.

The CHAIRMAN. You are still connected with the Pay Department?

Col. DOWNEY. Yes. I belong to the permanent corps.

The CHAIRMAN. You are at present the Acting Paymaster General?

Col. DOWNEY. No, sir; not now. The new paymaster has taken his seat and is acting as Paymaster General.

The CHAIRMAN. I believe you were present on last Monday when Gen. Whipple was before this committee?

Col. DOWNEY. I think it was last Monday; yes, sir.

The CHAIRMAN. Since that hearing and the arrangement that he was to later insert in the hearing copies of the confidential letters of the President and other papers, which he left with the committee, we have discovered among them one or two not mentioned or referred to during the hearing of the Paymaster General. First, I find that on June 25, 1910, came the confidential letter from Mr. Blank at Atlanta to Gen. Whipple telling of the wrong done him by Maj. Ray. I will get you to read that into the record, omitting the name of the writer, and referring to him and his wife as Mr. and Mrs. Blank.

Col. DOWNEY (reading):

ATLANTA, GA., June 25, 1910.

My DEAR GENERAL: Circumstances have arisen that make it absolutely necessary that I be relieved from duty as personal clerk to Maj. B. B. Ray at the earliest possible date. This is not an application, and you will readily see after reading this communication just why I can not comply with paragraph 424 of the Paymaster's Manual, especially the last sentence.

Before proceeding any further I first desire to impress on you my desire for absolute secrecy relative to the information contained herein. I have a father 82 and mother 73, who celebrate their golden wedding anniversary in October, also two children, and I would brave any circumstances or conditions rather than bring shame and disgrace upon them or have anything made public that I am about to write. I should much have preferred a personal interview, but it seems impossible, as I could not get the leave just now to come to Washington and could not afford to do so at this time.

I have loved and honored my wife above everything else on earth, have trusted her as implicitly as I would my mother, and you can readily see to just what desperation I have been driven when I write this communication.

I have probably been partly to blame for what has happened by allowing Mrs. Blank to be in Maj. Ray's company to the extent that she has, but in extenuation of this fact I have only to say that I trusted her to the extent that I did not think it possible she could do wrong.

Within the past few days something, which I can not mention, forced me to the belief that there was something wrong. Last night I had an all-night talk with my wife, and she finally confessed to me that she had on several occasions been intimate with Maj. Ray; that from the first few months that I was assigned to him he had forced his attentions on her, had done everything in his power to make her untrue to me, but that up to the time of our leaving Honolulu she had repelled him, thinking that she could easily keep him at a distance, and not telling me because she considered that she was perfectly able to take care of herself, and as our relations were pleasant and we always seemed sure of a pleasant station, etc., she kept the matter to herself. Upon our arrival in San Francisco we had rooms at the Hotel Manx, and it was there that he first succeeded in overcoming her scruples, securing the key between the rooms and leaving the office in the afternoon, stating that he was attending to private business, only to go immediately to the hotel and enter my wife's room. The arguments he used were particularly contemptible and disloyal to me, he stating that it was only a question of time until I lost my position on account of my debts—that when I did lose my place he would see that she never needed anything, etc. The details are sickening, and I can not bring myself to write more along these lines, except to say that since then he has continually importuned and annoyed her, making all sorts of promises and threatening that he would ask for a different clerk and make me lose my position if she did not comply with his demands.

My wife is really but a child in experience, being 11 years my junior in age, naturally of a trusting and confiding disposition, and although, of course, I can see that there is no excuse for her actions, yet there are certainly extenuating circumstances. Maj. Ray insisted upon our coming to Chicago en route to Atlanta, and at the time I wondered why it was. It is clear to me now. The husband is always the last to suspect, it is said, and several times different people have mentioned to me that the major and Mrs. Blank were together a great deal, but I have always laughed it off, and several times have cautioned her about doing anything that might look compromising, but I have had such unbounded faith in her good sense and loyalty to me that I have been worse than blind. I consider Maj. Ray's actions particularly unworthy those of an officer and gentleman, and particularly ungrateful, in view of the fact that during his trouble in Manila I was the only friend he had in the Pay Department there. I kept him advised while in the States that he had enemies, stood by him at all times, and made enemies for myself. When he and Mrs. Ray came to Manila, Mrs. Blank and myself gave up our own home, which we had furnished there, to them and went out to board; we have nursed both he and Mrs. Ray during illness, and I have done everything in my power to forward his interests, both personal and official. I could not have been more surprised and pained.

Now, I am prepared to forgive and try to forget Mrs. Blank's part of this unfortunate affair. She leaves here on June 29 and goes to Washington, where she will be from July 1 to 6. From there she returns to her home in Blank for the summer. Maj. Ray had promised me two months' leave immediately upon completion of the maneuvers at Chickamauga Park, and I was then going to come to Washington and had made overtures to get a position with Mr. Blank or Mr. Blank, two of my creditors, and try to work off some of my indebtedness.

You can readily see that my daily association with Maj. Ray is almost unbearable—that every time I look him in the face I want to kill him and that a continuation of our relations is impossible.

As I am entirely innocent in the matter I desire a transfer and am willing to go anywhere with anyone rather than continue where I now am. I would love to get a chance to come home and see my people, but I am willing to give even that up if necessary.

I am writing this to tell you that my desire is to avoid publicity. No one will ever know that I have written you this letter; I will not let Mrs. Blank know

under any circumstances that I have written you and I would prefer, *if possible*, that you do not show this communication to a living soul unless you consider it absolutely necessary, but at any event I would prefer to live and bear the present situation rather than have anything come up publicly. What is your advice and how shall I go to work to obtain a transfer, this being inevitable?

In conclusion, it would appear that I have been considerable trouble to the Pay Department, personally, but, General, if you knew my present situation with a son who is a confirmed epileptic, my father and mother in poor circumstances and this last straw, I feel that I am about "all in."

As God is my witness, every line I have written is the whole truth and I hope and pray that you will believe and do something immediately to relieve me from a situation that is maddening.

Very truly, yours,

BLANK.

We expect to go to Chickamauga Park to maneuvers on the 29th. I feel as if I couldn't stand a month there with him.

Gen. C. H. WHIPPLE,

Paymaster General, United States Army.

The CHAIRMAN. It appears that Gen. Whipple immediately wrote to the aggrieved man, for under date of June 30 I find this letter from Gen. Whipple to Mr. Blank, which you will also read.

Col. DOWNEY (reading):

WASHINGTON, June 30, 1911.

MY DEAR MR. BLANK: Referring to yours of the 25th instant, I regret to state that, although willing under the circumstances to give you the change of station requested, I can not take the initiative in the matter without violating the principle of paragraph 424 of the manual. I fully understand that there may exist certain circumstances which would make the relations between a paymaster and his clerk unsatisfactory, and yet which, owing to their nature, could not be stipulated in a request for a different assignment. However, if you will address an official communication to me through Maj. Ray, requesting relief from duty as his personal clerk, giving such reasons as you may deem proper to advance for the request so as to comply with paragraph 424 of the manual, I shall give the matter favorable and prompt consideration.

Very truly, yours,

Paymaster General, United States Army.

That is not signed, but it is supposed to be signed by C. H. Whipple, Paymaster General of the Army. It is just a copy.

The CHAIRMAN. It seems that the very day of the receipt of that letter from Gen. Whipple, Mr. Blank sent this telegram to the general. Please read it, date and all.

Col. DOWNEY (reading):

[Postal Telegraph—Commercial Cables. Telegram.]

—, July 1, 1910.

Gen. C. H. WHIPPLE,

*Paymaster General, United States Army,
Washington, D. C.*

Desire to withdrawn letter of June 24. Had long conversation with parties concerned. Please destroy or return letter. Facts as stated, but best for all parties to drop matter.

BLANK.

The CHAIRMAN. It was then, or on July 5, that Gen. Whipple went to Beverly to see the President about what he ought to do, and there, in his presence, the President wrote the letter advising against the court-martial, and which letter is already in the hearings. Then, on

July 7, Mr. Blank, who must have been immediately changed, wrote this additional letter to Gen. Whipple. Please read it.

Col. DOWNEY (reading) :

FORT OGLETHORPE, GA., July 7, 1910.

MY DEAR GEN. WHIPPLE: I can't tell you how I appreciated your kind letter. I wish to say just a few words to explain my telegram and I will never mention the matter again. I sincerely trust that no one outside of we two know of the contents of my letter. I have not told either Mrs. Blank or Maj. Ray that I wrote to you. I think you realize that under no consideration would I have written what I did had the facts been different, and I was almost crazy just then. Mrs. Blank has returned to her home in Blank, where she will remain for several months. I have had a long talk with Maj. Ray, and he has practically acknowledged what I wrote some time since. *There will be no repetition.* I can, of course, never fully be the same to either party, but think it best to let everything remain unchanged, at least at present. First, the department here is somewhat broken up just now and every available clerk is needed; then, I am particularly anxious to avoid suspicion or do anything that might cause anyone to get an idea of the facts.

The conditions here have been awful—the camp a sea of mud, having poured down every day for 10 days. Mr. Taber returned to Atlanta yesterday a very sick man.

Again thanking you for your kindness,

Sincerely,

BLANK.

The CHAIRMAN. The committee got the impression during Gen. Whipple's hearing that this ended the case, except the reprimand, which we also understood came immediately, but we find among the papers that were temporarily suppressed, for the reasons given in the President's letter to Gen. Whipple, to show to Messrs. Hay and Sweet, another statement by Mr. Blank, made on July 11, here at Washington or somewhere else, and which you will now read into the hearing.

Col. DOWNEY (reading) :

WAR DEPARTMENT,
OFFICE OF THE PAYMASTER GENERAL,
Washington, July 11, 1910.

After a conversation with Gen. C. H. Whipple, Paymaster General United States Army, I desire to reiterate the statements contained in my letter of June 25, 1910, and to state most emphatically that the facts therein contained were not overdrawn or exaggerated in any particular; in fact, many details and accusations that I might have made were omitted, as I felt that possibly I ought not to mention evidence that could not help being disgusting to anyone. I consider Maj. B. B. Ray a dangerous man, who would not hesitate to do his best friends an irreparable injury to further his own interests or pleasure.

BLANK.

The CHAIRMAN. It was nearly two months later, and after the receipt or obtaining of that second statement, that the reprimand was ordered, was it not?

Col. DOWNEY. I could not state as to that.

The CHAIRMAN. The reprimand was in September, was it not?

Col. DOWNEY. I do not remember. I think it will show in the hearing.

The CHAIRMAN. We have a copy of the reprimand. Will you kindly give the date and read it into the record, omitting any names?

Col. DOWNEY. You mean all of the names in the matter?

The CHAIRMAN. All except Maj. Ray's name.

Col. DOWNEY (reading) :

[A. G. O. 91728.]

HEADQUARTERS DEPARTMENT OF THE GULF,
Atlanta, Ga., September 3, 1910.

Maj. BEECHER B. RAY,
Paymaster, United States Army, Atlanta, Ga.

SIR: I am directed by the Chief of Staff of the Army to inform you that imputations against you have been made to the Paymaster General in the form of reports alleging illicit relations between you and Mrs. Blank, the wife of Mr. Blank.

These reports are of such gravity as to call in question your character as an officer and a gentleman, for, if the allegations be true, your conduct should be characterized as reprehensible and deserving of the severest condemnation.

Should you desire to take steps to clear your record of these imputations, you will be afforded every proper facility to that end within my power.

In the absence, however, of such effort for vindication, it is my duty to admonish you as to the future, while under my command, that any misconduct as an officer on your part will not be treated with impunity.

Acknowledgment in writing of the receipt of this communication is desired.

Very respectfully,

A. L. MILLS,
Brigadier General, United States Army, Commanding.

A true copy.

A. L. MILLS,
Brigadier General, United States Army.

WAR DEPARTMENT,
HEADQUARTERS DEPARTMENT OF THE GULF,
OFFICE OF THE CHIEF PAYMASTER,
Atlanta, Ga., September 5, 1910.

Brig. Gen. A. L. MILLS,
Commanding Department of the Gulf, Atlanta, Ga.

SIR: I have the honor to acknowledge your letter of September 3, instant. Since my acquaintance with Mrs. Blank, in so far as my knowledge extends, she has always conducted herself as a lady.

Very respectfully,

B. B. RAY,
Major, Paymaster, United States Army.

Received September 6, 1910.

A. L. M.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF THE GULF,
Atlanta, Ga., September 6, 1910.

Respectfully forwarded to The Adjutant General of the Army, War Department, Washington, D. C.

The failure of Maj. Ray to ask for an investigation of the imputations made against his character makes him amenable to trial under the sixty-first article of war. (See specification 5, p. 4, G. O., No. 127, W. D., 1909, in case of Maj. C. J. T. Clarke, Twenty-sixth Infantry.)

It is recommended that Maj. Ray be not retained at this station as chief paymaster.

A. L. MILLS,
Brigadier General, Commanding.

[Second indorsement.]

WAR DEPARTMENT, THE ADJUTANT GENERAL'S OFFICE,
Washington, September 8, 1910.

Respectfully referred to the Paymaster General of the Army for remark.
By order of the Secretary of War:

BENJ. ALVORD,
Adjutant General.

[Third indorsement.]

WAR DEPARTMENT, PAYMASTER GENERAL'S OFFICE,
Washington, September 9, 1910.

Respectfully returned to The Adjutant General, with contents noted.

C. H. WHIPPLE,
Paymaster General, United States Army.

(Received back A. G. O., Sept. 9, 1910. Left with Chief of Staff, Sept. 28, 1910.)

[Memorandum for The Adjutant General.]

WAR DEPARTMENT, OFFICE OF THE CHIEF OF STAFF,
October 1, 1910.

The Acting Secretary of War directs that the within papers be filed with the efficiency record of Maj. B. B. Ray.

LEONARD WOOD,
Major General, Chief of Staff.

The CHAIRMAN. Well, in order to keep the matter together, perhaps you had better again read the President's two letters to Gen. Whipple, beginning with the dates.

Col. DOWNEY (reading):

BEVERLY, *July 5, 1910.*

DEAR GEN. WHIPPLE: I have read the letter of Blank, which you have shown me, because you knew that in times past I had had a personal interest in the welfare of Maj. Ray. I have no relation to Maj. Ray that prevents my directing you to take the same disciplinary action in respect to him as in the case of any of your subordinates. It seems to me that it would be wise to send Gen. Garlington or a trusted assistant to inspect Ray's accounts and those of his clerk, as well as the charges Blank makes, and if the facts turn out to be as Blank states them, to separate Blank from Ray at once.

While Ray's conduct, if Blank's charges are true, should subject his to the severest condemnation, there seems from Blank's language and telegram to be such a condonation by him and his wife, that it would be well to avoid the demoralizing scandal for the Army involved in court-martial proceedings which would place a stigma on Blank and Mrs. Blank they could never recover from. Ray could be told that his superiors know his fault and have provided against it, but in the interest of his victims and the Army it was deemed best not to present it to a board on condition that he avoid such conduct in the future. These suggestions are upon the assumption that Blank's statements are true and that Gen. Garlington finds them to be so.

I do not favor court-martial proceedings in such cases where there is condonation in order to prevent scandal. The Army suffers, the parties suffer, and only the prurient readers of such trials receive any advantage. The discipline enforced does not outweigh in its benefit for the Army the injury to the prestige of the Army and the demoralization it causes.

You can show this letter to Gen. Garlington and Gen. Oliver, but I would prefer that it do not go on your official files.

The course I suggest is the one it seems to me best with any paymaster, whoever he is. Maj. Ray did me some services of a political character years ago at the instance of my brother, and he is disposed to assume much too much on that score. I wish him treated as any other officer in the service, and I would make the same suggestion as to any Army officer in a similar case.

Sincerely, yours,

WM. H. TAFT.

THE WHITE HOUSE,
Washington, July 14, 1911.

MY DEAR GEN. WHIPPLE: I write this that you may show this to Mr. Hay and to Mr. Sweet, of the Military Committee. You have come to me at your own instance with the statement that you have learned that Mr. Sweet is indignant, because he thinks he has been misquoted in regard to the omission of two or

three pages of the record of the War Department called for by House resolution 208. The part of the record omitted refers to a charge against Maj. B. B. Ray of illicit relations with a certain married woman, in respect to which I was consulted by you at the time the charge was made and also at the time the resolution was passed.

I saw Mr. Sweet in New Haven and told him of this fact but deprecated its being brought out, as I thought it would tend to blast the reputation of a married woman, who, as I understand it, was living happily with her husband, and was not probably what the committee was searching for. I asked him to see Mr. Covington, who had prompted the resolution, and advise me or the Secretary of War or the Chief of Staff whether that part of the record might be omitted. I understood from the Secretary of War, and also from Gen. Wood, that Mr. Sweet had consented to the omission of that part of the record unless, upon its being brought to the attention of the committee, the full record was desired, and that in accordance with that understanding the particular pages of the record were omitted from the return until further notice was received from Mr. Sweet.

I do not desire any misunderstanding, and I wish that the whole record shall go to the committee, if the committee desire it, knowing what the circumstances are. I will ask you, therefore, to take the pages of the record to Mr. Hay, the chairman of the Military Committee, and to Mr. Sweet, show them the pages and such correspondence, confidential or otherwise, referred to in the record which is not a part of it, as will make the record intelligible. You have also a letter from me, written in July last, when you consulted me about this matter, which I intended to be confidential, and not to be put on the files, but I have no objection to your showing that letter to Mr. Hay and to Mr. Sweet, and if they desire to bring that out you may make it a part of the record. You will please explain to them the circumstances that, according to your understanding, Mr. and Mrs. Blank are living together happily, and the appeals which he has made to you to withdraw his original letter in which he made the charge, and then leave to these gentlemen the decision as to what course you shall take.

Very sincerely, yours,

WM. H. TAFT.

Gen. CHARLES H. WHIPPLE,
Paymaster General.

Thereupon the committee adjourned.

APPENDIX A.

Maj. B. B. Ray accepted his appointment as an additional paymaster, United States Volunteers, May 27, 1898, and served as such until May 7, 1901, when he was honorably discharged to accept an appointment as captain and paymaster, United States Army. He was promoted to major November 12, 1901.

Since May 27, 1898, Maj. Ray has been on duty at the places and for the periods indicated in the following statement, which also gives the names of those paymasters who were serving with him for any time during said period:

Station at which assigned to duty.	Period during which serving at each respective station.	Officers of Pay Department serving at same station.
Washington, D. C.....	May 27, 1898, to June 14, 1898..	Maj. G. W. Baird, Maj. J. C. Muhlenberg, Maj. H. L. Rogers, Maj. F. M. Hammond, Maj. G. W. Fishback, Maj. G. C. Stewart, Maj. M. F. Sheary, Maj. W. F. Tucker.
Chicago, Ill.....	June 15, 1898, to Feb. 15, 1899.	Col. G. W. Candee.
Washington, D. C.....	Feb. 17, 1899, to Apr. 24, 1899..	Maj. C. C. Sniffen, Maj. G. W. Baird, Maj. H. L. Rogers, Maj. J. A. Watrous, Maj. G. C. Stewart, Maj. H. M. Lord, Maj. F. T. Jones, Maj. J. W. Dawes, Maj. G. W. Moses, Maj. E. Coffin, Maj. G. R. Smith, Maj. C. Arrick, Maj. J. M. Cleland, Maj. P. C. Stevens, Maj. D. W. Arnold, Maj. G. D. Sherman, Maj. H. R. Belknap, Maj. C. Newbold, Maj. B. D. Slaughter, Maj. W. M. Clark.

Station at which assigned to duty.	Period during which serving at each respective station.	Officers of Pay Department serving at same station.
Denver, Colo..... San Francisco, Cal.....	Apr. 29, 1899, to June 25, 1899.. June 27, 1899, to July 8, 1900...	Maj. W. H. Comegys, Maj. S. D. C. Hays. Lieut. Col. F. M. Coxe, Maj. H. L. Rees, Maj. G. F. Downey, Maj. W. W. Gilbert, Maj. W. Monaghan.
Chicago, Ill..... San Francisco, Cal.....	July 12, 1900, to Apr. 22, 1901.. Apr. 27, 1901, to July 16, 1901..	Maj. C. H. Whipple. Lieut. Col. F. M. Coxe, Maj. C. E. Kilbourn, Maj. C. Newbold, Maj. H. R. Belknap, Maj. W. B. Rochester, jr., Maj. W. G. Gambrill, Maj. T. D. Keleher, Maj. W. B. Schofield, Maj. G. E. Pickett.
Manila, P. I., and Iloilo, P. I.	Aug. 12, 1901, to Apr. 4, 1903..	Col. A. S. Towar, Maj. W. H. Comegys, Maj. E. W. Halford, Maj. J. A. Watrous, Maj. W. W. Gilbert, Maj. H. L. Rees, Maj. H. S. Wallace, Maj. F. L. Payson, Maj. G. F. Downey, Maj. T. C. Goodman, Maj. J. B. Houston, Maj. R. S. Smith, Maj. G. T. Hol- loway, Maj. M. B. Curry, Maj. J. S. Wilkins, Maj. E. Coffin, Maj. J. Canby, Maj. T. P. Varney, Capt. W. R. Graham, Capt. C. E. Stanton, Capt. J. W. McAndrew, Maj. H. R. Belknap, Lieut. Col. C. H. Whipple, Capt. B. D. Slaughter, Capt. G. Carleton, Capt. E. Wittenmyer, Maj. W. Vinson, Maj. G. R. Smith, Capt. S. Howell, Capt. G. E. Pickett, Maj. J. L. Bullis, Maj. H. M. Lord, Capt. W. G. Gambrill, Capt. P. C. Stevens.
New York City.....	May 14, 1903, to Apr. 24, 1904..	Col. F. S. Dodge, Col. C. C. Sniffen, Maj. H. S. Wallace, Maj. T. C. Goodman, Maj. G. T. Holloway, Capt. M. B. Curry, Capt. J. W. Dawes, Capt. E. Coffin, Capt. W. F. Blauvelt, Capt. F. G. Irwin, Capt. J. Canby, Capt. T. H. R. McIntyre.
Chicago, Ill.....	Apr. 26, 1904, to May 31, 1907..	Col. A. S. Towar, Col. W. F. Tucker, Maj. G. F. Downey, Maj. W. G. Gambrill, Capt. E. Wittenmyer, Capt. J. M. Sigworth, Capt. E. C. Carnahan, Capt. C. G. Dwyer, Maj. C. E. Stanton.
San Francisco, Cal.....	June 4, 1907, to Aug. 5, 1907...	Lieut. Col. J. C. Mühlenberg, Lieut. Col. E. W. Halford, Capt. F. R. Day, Capt. A. P. Buf- fington, Capt. S. F. Dallam, Capt. F. D. Ely, Capt. G. W. Moses.
Manila, P. I.....	Sept. 2, 1907, to Jan. 29, 1908...	Lieut. Col. H. S. Wallace, Maj. W. B. Roches- ter, Maj. F. L. Payson, Maj. J. Canby, Maj. J. R. Lynch, Maj. E. C. Carnahan, Capt. T. M. Moody, Capt. F. E. Johnston, Capt. H. B. Dixon, Capt. J. K. Miller, Capt. W. S. Valentine, Capt. G. D. Arrowsmith, Capt. W. H. Burt, Capt. C. B. Swezey.
Chicago, Ill.....	Aug. 17, 1908, to Oct. 31, 1908..	Capt. W. H. Burt, Maj. T. D. Keleher, Maj. J. P. Hains.
Manila, P. I.....	Dec. 15, 1908, to Feb. 7, 1909...	Lieut. Col. H. S. Wallace, Maj. T. C. Goodman, Maj. J. R. Lynch, Maj. C. E. Stanton, Capt. E. M. Suplee, Capt. C. W. Castle, Capt. C. B. Swezey, Capt. F. E. Johnston, Capt. H. Hammond, Capt. G. D. Arrowsmith, Capt. E. A. Greenough.
Honolulu, Hawaii..... San Francisco, Cal.....	Mar. 8, 1909, to Feb. 4, 1910... Feb. 12, 1910, to Apr. 15, 1910..	Maj. B. B. Ray (only). Lieut. Col. W. Vinson, Maj. G. E. Pickett, Maj. J. R. Lynch, Maj. J. P. Hains, Maj. E. V. Smith, Capt. E. H. Cooke.
Atlanta, Ga.....	May 31, 1910, to Nov. 25, 1911..	Lieut. Col. F. L. Payson, Capt. T. A. Pearce, Capt. J. J. Ryan.
Chicago, Ill.....	Nov. 27, 1911, to date.....	Lieut. Col. T. C. Goodman; Capt. S. Bonnaffon, 3d; Capt. R. E. Frith, Capt. J. F. Preston Lieut. Col. J. B. Houston.

WAR DEPARTMENT,
OFFICE OF PAYMASTER GENERAL,
February 12, 1912.

APPENDIX B.

Leaves of absence availed of by Maj. B. B. Ray, paymaster, United States Army, from date of acceptance of commission as major and additional paymaster, United States Volunteers, May 27, 1898, to date (all dates inclusive).

January 12, 1899, to February 2, 1899.	June 12, 1906, to June 14, 1906.
February 3, 1900, to February 19, 1900.	July 17, 1906, to July 23, 1906 (sick leave).
December 11, 1900, to December 14, 1900.	October 16, 1906, to October 18, 1906.
January 26, 1901, to January 30, 1901.	October 24, 1906, to October 28, 1906.
April 29, 1903, to May 6, 1903.	November 4, 1906, one day.
July 14, 1903, to July 25, 1903.	April 30, 1907, to May 22, 1907.
September 19, 1903, to November 4, 1903.	February 28, 1908, to August 16, 1908.
August 13, 1904, to August 24, 1904.	November 1, 1908, to November 10, 1908.
February 22, 1905, to February 26, 1905.	December 26, 1909, to January 7, 1910.
April 16, 1905, to May 8, 1905.	April 15, 1910, to May 29, 1910.
September 16, 1905, to September 23, 1905.	April 1, 1911, to April 7, 1911.
January 16, 1906, to January 21, 1906.	June 16, 1911, to June 18, 1911.
February 16, 1906, to March 30, 1906.	September 16, 1911, to September 25, 1911.

APPENDIX C.

WAR DEPARTMENT,
OFFICE OF THE PAYMASTER GENERAL,
Washington, February 15, 1912.

With respect to the reason why Maj. Beecher B. Ray, paymaster, was ordered to temporary duty at Chicago, Ill., on August 17, 1908, the records of the Paymaster General's Office show the following:

On May 25, 1908, Col. W. F. Tucker, chief paymaster, Department of the Lakes, stationed at Chicago, Ill., telegraphed the Paymaster General that after a consultation with the chief surgeon, Department of the Lakes, the attending surgeon, and specialist, it had been decided that he must go under special treatment without delay. Upon receipt of this telegram the Paymaster General requested the Adjutant General to issue orders directing Maj. Bradner D. Slaughter, paymaster, who was then at Omaha, Nebr., to proceed without delay to Chicago, Ill., and report in person to the commanding general, Department of the Lakes, for temporary duty in that department. It was further requested that Maj. Slaughter's order be telegraphed to the commanding general, Department of the Missouri. Col. Tucker left Chicago, Ill., June 9, 1908, and Maj. Slaughter arrived at that station for temporary duty May 30, 1908. Maj. Slaughter was relieved from temporary duty at Chicago on August 14, 1908, and returned to his proper station at Omaha. His relief from temporary duty at Chicago was made necessary in order that a paymaster could be available for duty at Omaha, Nebr., while a paymaster was detached from duty at that station to attend to the payments at the maneuver camp at Camp Emmet Crawford, Wyo. On August 17, 1908, three days after the relief of Maj. Slaughter, Maj. Beecher B. Ray reported for duty at Chicago, Ill. The records show that Maj. Ray's assignment to temporary duty in Chicago was caused by the following letter written by the Paymaster General August 6, 1908, viz:

"To The ADJUTANT GENERAL.

"SIR: I have the honor to request that Maj. B. B. Ray, paymaster, now in Chicago, Ill., be directed to report in person to the commanding general, Department of the Lakes, for temporary duty.

"Respectfully,

"C. H. WHIFFLE,

"Paymaster General, United States Army."

There is nothing of record which indicates that the foregoing letter was inspired for reasons other than the necessities of the Pay Department. At the time Maj. Ray went on temporary duty in Chicago, August 17, 1908, there

were only two paymasters on duty at Chicago, both being detailed officers, and it was not until September 30, 1908, that another paymaster, Maj. T. D. Keleher, reported for duty at Chicago. In addition to the ordinary payments made from the Chicago pay station it was necessary to make payment to the militia troops which were engaged in joint maneuvers with the Regular Army at camps of instruction near Sparta, Wis., and Fort Benjamin Harrison, Ind. From August 17 to 31, 1908, Maj. Ray disbursed a total of \$92,836.02; from September 1 to 30, 1908, \$130,261.32; from October 1 to 31, 1908, \$24,553.64, making a total of \$247,650.98 disbursed for the period from August 17 to October 31, 1908, while he was on temporary duty in Chicago. During the month of September, 1908, he made payments in person at the camp near Sparta, Wis., at Fort Sheridan, Ill., and at the camp at Fort Benjamin Harrison, Ind.

APPENDIX D.

The stations of Maj. Beecher B. Ray in the latter part of the summer and fall of 1900 and the latter part of the summer and fall of 1904, and the names of the paymasters who for any period were stationed at the same place, are shown in Appendix A. The station in both instances was Chicago, Ill.

The records of the Paymaster General's Office do not contain any information to the effect that the change of station of Maj. Ray from San Francisco, Cal., to Chicago, Ill., in July, 1900, was for reasons other than those incident to the business of the Pay Department, there being only one other paymaster on duty at Chicago at that time. So far as disclosed by the records, Maj. Ray's assignment to duty in Chicago in April, 1904, was also in the ordinary course of Pay Department business.

Following are the official communications which brought forth these two assignments:

JUNE 7, 1900.

TO THE ADJUTANT GENERAL OF THE ARMY.

SIR: I have the honor to request that the following order be issued:

Maj. J. B. Houston, additional paymaster, United States Volunteers, now on leave of absence, is relieved from duty in the Division of Cuba and will proceed to Portland, Oreg., reporting to the commanding general, Department of the Columbia, for duty, relieving Maj. Watrous as chief paymaster.

Maj. J. A. Watrous, paymaster, United States Army, on being relieved from duty by Maj. Houston, will proceed to San Francisco, Cal. The commanding general, Department of California, will direct Maj. Watrous to proceed by first transport leaving San Francisco, after his arrival there, to Manila to report for duty to the commanding general, Division of the Philippines.

Maj. T. D. Keleher, additional paymaster, United States Volunteers, is relieved from duty in the Division of the Philippines and will proceed to San Francisco, Cal., reporting to the commanding general, Department of California, for duty.

Maj. B. B. Ray, additional paymaster, United States Volunteers, after the completion of the payment of June 30, will be relieved from duty in the Department of California and will proceed to Chicago, Ill., reporting to the commanding general, Department of the Lakes, for temporary duty.

The travel enjoined is necessary for the public service.

Respectfully,

A. E. BATES.

Paymaster General United States Army.

[The Western Union Telegraph Co.]

SAN FRANCISCO, CAL., July 5, 1900.

PAYMASTER GENERAL UNITED STATES ARMY,

Washington, D. C.:

Maj. Ray's completion of payments of June 30 will enable him to close accounts about July 10. Shall he thereupon comply with Special Orders, 134, or await an officer to relieve him there?

Coxe, *Chief Paymaster.*

[Official telegram.]

WAR DEPARTMENT, July 6, 1900.

COXE, Chief Paymaster,
San Francisco, Cal.:

Ray will comply with Special Order 134 on completion June 30 payment without awaiting relief.

BATES.

[The Western Union Telegraph Co.]

SAN FRANCISCO, CAL., July 7, 1900.

PAYMASTER GENERAL UNITED STATES ARMY,
Washington, D. C.

Depart from this station July 8, direct mail to Chicago.

RAY, Paymaster.

APRIL 15, 1904.

TO THE ADJUTANT GENERAL UNITED STATES ARMY.

SIR: I have the honor to request that the following order issue:

Upon the arrival of Capt. T. H. R. McIntyre, paymaster, United States Army, in New York City, pursuant to instructions contained in paragraph 9, Special Order 82, April 7, 1904, War Department, Maj. Beecher B. Ray, paymaster, United States Army, will stand relieved from duty thereat, and will proceed at once to Chicago, Ill., for station, reporting in person to the commanding general, Department of the Lakes, for duty.

The travel enjoined is necessary for the public service.

Respectfully,

F. S. DODGE,

Paymaster General United States Army.

APPENDIX E.

Statement of mileage on change of station paid to Maj. B. B. Ray, Paymaster, United States Army, from June 14, 1898, to present time.

June 14-15, 1898, Washington to Chicago, amount paid.....	\$31.60
February 15-16, 1899, Chicago to Washington, amount paid.....	55.30
April 22-28, 1899, Washington to Denver, amount paid.....	126.70
June 25-28 1899, Denver to San Francisco, amount paid.....	71.78
July 8-12, 1900, San Francisco to Chicago, amount paid.....	94.28
April 22-26, 1901, Chicago to San Francisco, amount paid.....	130.41
July 16-August 12, 1901, San Francisco to Manila, actual expenses...	39 7/1
April 4-28, 1903, Manila to San Francisco, actual expenses.....	38.50
May 1-12, 1903, San Francisco to New York, amount paid.....	196.32
April 24-26, 1094, New York to Chicago, amount paid.....	63.84
May 31-June 4, 1097, Chicago to San Francisco, amount paid.....	91.51
August 8-September 2, 1907, San Francisco to Manila, amount paid...	29.00
February 14-March 5, 1909, Manila to Honolulu, amount paid.....	20.83
February 4-12, 1910, Honolulu to San Francisco, amount paid.....	7.67
May 29-30, 1910, Chicago to Atlanta, amount paid.....	51.31
November 25-26, 1911, Atlanta to Chicago, amount paid.....	51.31

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WAR DEPARTMENT,

OFFICE OF THE PAYMASTER GENERAL,

February 14, 1912.

APPENDIX F.

List of officers of the Pay Department, United States Army, on duty at Chicago, Ill., from Jan. 1, 1908, to Feb. 15, 1912.

Name.	Rank.	From—	To—
Burt, W. H.	Captain	Apr. 24, 1908	Feb. 26, 1909
Slaughter, B. D.	Major	May 30, 1908	Aug. 14, 1908
Hains, J. P.	do.	July 2, 1908	Jan. 29, 1909
Ray, B. B.	do.	Aug. 17, 1908	Oct. 31, 1908
Keleber, T. D.	do.	Sept. 30, 1908	Mar. 30, 1911
Frith, R. E.	Captain	Feb. 20, 1909	To date.
Wilder, W. T.	Major	Feb. 1, 1910	Feb. 28, 1910
Preston, J. F.	Captain	Nov. 2, 1910	Mar. 9, 1911
Do.	do.	Nov. 13, 1911	Nov. 17, 1911
Rochester, W. B.	Major	Mar. 29, 1911	Oct. 17, 1911
Goodman, T. C.	Lieutenant colonel	July 1, 1911	Dec. 1, 1911
Bonnaffon, S., 3d.	Captain	Oct. 13, 1911	To date.
Houston, J. B.	Lieutenant colonel	Dec. 1, 1911	To date.
Ray, B. B.	Major	Nov. 27, 1911	To date.

WAR DEPARTMENT,
OFFICE OF THE PAYMASTER GENERAL,
February 15, 1912.

EXPENDITURES IN THE WAR DEPARTMENT.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT,
Tuesday, February 13, 1912.

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

The following members of the committee were present: Messrs. Bulkley, Difenderfer, and Speer.

STATEMENT OF MAJ. GEORGE H. SHELTON, UNITED STATES ARMY.

The CHAIRMAN. Gentlemen of the committee, we have Maj. Shelton before the committee. Maj. Shelton, will you kindly give the stenographer your full name?

Maj. SHELTON. George H. Shelton.

The CHAIRMAN. What is your official position or rank?

Maj. SHELTON. I am a captain of Infantry, serving now by detail in the Bureau of Insular Affairs, with the rank of major while so serving.

The CHAIRMAN. Kindly state to the committee the extent of your military training and experience.

Maj. SHELTON. I graduated from the Military Academy in 1896, and served first in Arizona with my regiment, under the conditions of the "old Army" when we had at that one post two small companies and regimental headquarters. The post was about to be abandoned, and later was abandoned and was then rebuilt. Then I went to one of the new posts that had just been built—one of the kind that I have always felt should never have been built, and I served there for a year in most of the post staff positions.

Mr. BULKLEY. Where was that post located?

Maj. SHELTON. It was Fort Logan H. Roots, Arkansas. Then, with the Spanish-American War, I went with my regiment to Porto Rico and was there two years, during which time I did both staff duty and regimental duty, including command of cavalry troops for several months. After a few months in the United States I went to the Philippines with my regiment, and was there for three years. I served there in various staff positions in separate brigades and departments, practically under field conditions as well as with detachments of my regiment actually in the field. I also served under the direction of the brigade and department commanders in charge of construction work when we first began to build quarters in the Philippines for the troops. Upon my return to the United States I was on duty for a year at the world's fair in St. Louis, and then at Fort D. A. Russell for a year with my regiment. Then I came to Washington for duty with the General Staff and served there for a little over two years. I was then changed to my present detail. I have devoted most of my spare time for the past 10 years to a study of

the Army and its organization, and many of my official duties have required study along the same line.

The CHAIRMAN. Including the time that you were at West Point, how long have you been connected with the service?

Maj. SHELTON. Nearly 21 years.

The CHAIRMAN. And you have devoted your life work to the study of the Army?

Maj. SHELTON. Yes, sir; to the study of the Army.

The CHAIRMAN. And you are necessarily familiar with its present organization?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. Explain that to the committee as fully as you can.

Maj. SHELTON. Our present organization of the Army can be described very briefly. We have no organization of the Army as an army whatsoever.

The CHAIRMAN. Why? What is the defect or reason that we have none?

Maj. SHELTON. If we will stop for a moment to consider what an army is I think it will make my meaning clearer. An army is simply a machine—a human machine, it is true, but a machine made up of many different parts; and these different parts are groups of men, each of which is designed to fit into its place in the complete machine. Therefore, just as with any other piece of machinery, unless each part is fitted to its place, and unless all the parts are on hand and properly assembled, the machine will not run. Our Army is not an army to-day, because, while it has practically all of the different parts of the whole, these parts have never been fitted into any place in the whole, nor has the whole ever been assembled, nor have we ever tried to operate the whole machine. Until we do this we have no army; and, until we have an army, regardless of its size, we have got nothing in the way of collective military efficiency. We have individual efficiency, I think; we have highly qualified men and highly qualified officers. It could hardly be otherwise with our requirements, which are severe in both cases; but individual efficiency is not enough. Unless we can collect these individuals and make them all move together for the same purpose we have not an efficient service; and we can not, under our present system, collect these various individuals and groups of individuals and use them for the true purpose of an army.

The CHAIRMAN. As I understand you, under the present arrangement, the Army is not efficient as an organization?

Maj. SHELTON. No, sir.

The CHAIRMAN. Does the present arrangement of the Army result in the unnecessary expenditure of money?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. Explain that phase of the matter to the committee as fully as you please.

Maj. SHELTON. Primarily, in a large sense, I should say that any money spent on a military system that is inefficient is a useless expenditure; but, to get down to particulars, the waste of money is largely due to the improper distribution of our troops, the improper and unmilitary methods of quartering our troops, the unnecessary overhead charges in administration, supply, and training, and to the lack of organization. The question of the distribution of the troops you

have already covered so well that I do not suppose you want me to go into that now. I would like to say, however, that if we attempt a new distribution now, if it is possible to get away from our old methods and attempt a new one, unless we first organize our Army, or organize our Army at the same time we attempt a new distribution, it is not likely that we shall profit much. We may get away from some of the present evils, but distribution and training and everything else in a military way are so dependent upon organization that, unless we commence at that end of it, or let organization accompany anything else that we do, we are not going to make the same saving that we would if we first organized our Army.

The unmilitary and extravagant quartering of our troops is not only in the distribution of the posts, but also in their local situation and in the method of constructing and distributing the buildings within these posts. These posts are usually located 5, 10, 15, or 20 miles from a town. They require their own lighting systems, their own sewerage systems, their own roadways, and their own fire protection. They are located in unoccupied places, where every single building and other facility required has to be constructed, while the buildings of every kind are spread over a considerable area, turning the post reservations practically into parks. This has necessitated the construction of many more buildings than would otherwise be necessary and has added largely to the upkeep of the post afterwards. If we could follow the system ordinarily used elsewhere in the military world of putting our troops practically in the hearts of the larger towns and cities, we would save immensely. The very cost of ground in the heart of a city would demand the compact grouping of the different buildings used. There would be military economy in such compact grouping. It would require no buildings for officers' quarters, because the officers for the most part would be permitted to live wherever they chose, just as the officers in Washington to live where they choose. There would be but one or two entrances to the barracks, and it would be necessary to leave only two or three men there to guard the entrances when the troops were absent. If the troops went into the field, it would be necessary merely to leave caretakers and notify the police, and the buildings could be protected by them. Sewerage, water, and lighting systems and all such things would be supplied by connection with the ordinary systems of the town, and fire protection would be provided in a similar way. The upkeep of the buildings would be small, because they would be compactly arranged, and the troops would be available practically in their total strength for use when needed. There would be another important thing. One of the most serious causes of desertion in the Army is due to the fact that the enlisted man is so cut off from his own kind. We shut the men up in these detached posts, and we have to recruit them far from the place where they eventually go. The soldier is amid strangers and cut off by 5, 10, 15, or 20 miles from the town. The visits that he makes to these towns are necessarily in the nature of excursions, and too often in the nature of a spree. If he were quartered in a bigger town, when his day's work is over, he could be permitted to come and go with no other requirement than to be on hand at the proper time and in proper condition for his next duty. He would be where he could find normal amusement, and would be able to live the normal life

of an American citizen. He would have his friends and associates and relief from the grind of military life, all of which would tend to reduce desertion in a larger way than anything ever done. Now, a considerable part of our unnecessary overhead expenses is due to desertions and to the cost of replacing deserters, capturing and bringing them to trial, and supporting them afterwards while in confinement.

Mr. DIFENDERFER. Do you believe that better discipline could be maintained under these conditions you mention?

Maj. SHELTON. Very much better discipline could be maintained in the cities. Beyond that, the military training would be equal to or better than what is possible now.

Mr. BULKLEY. Do you think that such close proximity to places for spending money would result in a demand for larger pay?

Maj. SHELTON. I do not think so. The soldier has so much money at the end of the month to spend. Practically this money is clear to him. He has few necessary expenses that are not provided for by the Government outside of his pay. Now, if he is outside of a town, practically the only time he goes to town is when he receives his pay. That is in the case of the average man. Of course, there are a great many exceptions to this, but frequently his visits to town too often end in a spree, and when he gets back to the post, his entire month's pay is gone, and he does not go to town again until another pay day unless he succeeds in borrowing money somewhere. Now, I am not speaking of every man; I am speaking of the exception, but these exceptions are demoralizing to the service. Now, if they were living in town at all times, if they could go out in the evening and attend the theater, for instance, as they would like to do, but are practically prohibited from doing under the present conditions, since if they go to town without permission, they must be back ordinarily by 11 o'clock, it would become an everyday affair and not an excursion, much less a spree. If they were in town, there would be no reason for any requirement that they should be in quarters by 11 o'clock, as long as a few men were on duty in the barracks. In other words, they could come and go when off duty at anytime they chose, just as the normal man now does in the city of Washington. There is no reason why the man who is a soldier should be entirely cut off from his friends and associates in civil life.

Mr. SPEER. Is it not a fact that the greater efficiency of the Navy is partly due to the fact that they are necessarily confined on the vessels and have to be present for drills and observe discipline at all times?

Maj. SHELTON. I think we should require that our men be present at all military duties and all duties of whatsoever character, and I believe that there would be less trouble in keeping them at these duties if the posts were located in cities than we are having now. The man who leaves his post under the circumstances I have suggested to go into town is more likely to get in a condition where he has to stay in town than the man who lives in town is to get in a condition where he can not go back to the barracks.

Mr. SPEER. You remember what was said in Revolutionary days about Howe taking Philadelphia—that it was not Howe that captured Philadelphia, but that Philadelphia captured Howe. Is it not a fact that the attractions of city life destroyed the efficiency of his army?

Maj. SHELTON. I think the conditions are somewhat different. A good many of the British troops at that time had been a long time away from home. They had been leading a strange and difficult life. Throwing them at that time into a city was a change to which perhaps they were not equal. But at home they were quartered in the cities, and the British soldiers to-day are quartered in cities. There was one regiment with Howe in Philadelphia that had not been at home in more than 40 years.

The CHAIRMAN. Have you developed that phase of the matter as fully as you desire?

Maj. SHELTON. I think that is all I want to say on that particular point. I believe that this change in our system of quartering our troops would reduce desertions immensely. I believe it would make the men better contented, and it is followed everywhere else in the world.

Mr. DIFENDERFER. You would like to see the men occupied, would you not?

Maj. SHELTON. I would like to see them occupied at all times, but when they are not occupied with their military duties I would like them to have opportunities for some normal amusement.

Mr. DIFENDERFER. I think that was clearly demonstrated to me on a visit I made to the Canal Zone, where I met the marines in their marine barracks, under the command of Maj. Butler. Certainly every individual marine seemed to have a personal interest in the development of their quarters. They built their own walks, bordered by old iron or steel rails that the Panama Canal Company had rejected. They built their own buildings; they borrowed paint brushes and contributed their own funds to purchase the paint. In addition, they secured some corrugated iron for roofing these buildings. They built their own tenpin alleys, made their own shuffleboards for amusement, and built their own entertainment hall. Every one of these men seemed to have a personal-property interest in these quarters, and I never saw in my life a more intelligent, robust, and forceful lot of men in any command I have ever seen anywhere in this world. And the intelligence of these men, I think, added very materially to the disposition to feel that they were a part of a great body of men, or an integral part of a great organization.

Mr. SPEER. I do not see how moving into a city would help that condition.

Maj. SHELTON. It would help, primarily, to save money for the Government.

Mr. SPEER. I can not understand how that would be. I have heard considerable testimony to the effect that it would do that, but I can not see how it would be done. How is it possible that the cost of living would be less in cities than it is in the country? It is not true of other people.

Maj. SHELTON. The supplies of the soldier in the country are usually furnished from the city.

Mr. SPEER. I do not see why it is necessary, or why it should cost any more to maintain these posts in the country than in the city. There are railroad lines running to the posts, and I can not see where the economy would be effected.

Maj. SHELTON. I do not believe that there would be much difference in the actual cost of living. The saving would come, I think, in other

ways. The cost of post construction and the cost of post upkeep would be less under the system I have suggested; and we should also consider the difference between the number of men available under our present system for duty and the number that would be available under a system of compact grouping in the towns. Besides, it would result in a considerable saving in the matter of desertions, in recruiting, and, also, in transportation—all of which, I think, would make a considerable total.

Mr. DIFENDERFER. Is it not a fact, also, that if the officers of our Army were actually permitted to make the selection of sites for the posts without interference on the part of citizens and Representatives in Congress, that they would use better judgment than has been displayed heretofore? I mean by that, to take away all outside influences, and allow the men who have experience in these affairs to be the judges of where these posts should be located. Do you not believe that that would have a good effect?

Maj. SHELTON. Yes, sir; but I want to qualify that answer, Mr. Difenderfer. I think that for most of the troubles from which the Army suffers now the Army is much more to blame than Congress or the people; but I believe that the Army has reached a time when it recognizes this and realizes what its troubles are. It is prepared now, I think, so far as it can go itself, to correct its deficiencies, and hereafter, I believe, it should be permitted, in a general way, to develop itself. But it should be required first to show the plan this development is to follow and to establish the fact that it is a plan which, so far as can be foreseen, may go on indefinitely in the future—

Mr. DIFENDERFER. Do you believe, as a military man, that the location of Fort D. A. Russell was the proper one, when you take into consideration the fact that we already had Fort Logan at Denver, and do you believe the money that has been expended there has been justified?

Maj. SHELTON. In a military sense, at the time Fort D. A. Russell was located, it was a necessary station and a very important one. In later years, when it was rebuilt and enlarged, the same necessity did not exist, and I do not think, whether the post at Denver had been there or not, that Fort D. A. Russell was a military necessity. I do not think that either of these posts was a military necessity at this later date. But to say that the money spent there has not been justified would be going further than I want to go, for this reason: The Army had no plan of distribution of troops then, and, so far as I know, Congress had no plan, and we were following the custom of 100 years. So, no matter where the posts were located, it is difficult to say that the money Congress put into them was not justified.

Mr. DIFENDERFER. The reason I made that statement was this: The committee has before it now testimony to the effect that a half a million dollars has been expended for a water supply at this particular point, and that the Government does not own it at that.

Maj. SHELTON. I do not know as to that.

Mr. DIFENDERFER. I am speaking about the justification for spending the money. That is what I was trying to bring out, whether it has been of sufficient importance to warrant the expenditure of the money that has been spent at Fort D. A. Russell, and your answer, I believe, is that you do not believe it has been.

Maj. SHELTON. No, sir; but I do not believe that any post we have in the United States has warranted the expense that has been put into it.

Mr. SPEER. Is not that largely on account of the new theory that the Army should be located in the larger cities, and that when these buildings were constructed it was probably the intention then to keep the Army permanently located in these places in the West where at that time they were really needed?

Maj. SHELTON. Yes, sir; that is partly the reason; but even if we are not to go into the cities we are still spending too much money on our posts. The buildings are unnecessarily elaborate and numerous and too widely scattered, which results in increased cost for building and maintaining roads, sewers, and other utilities.

Mr. SPEER. Why did not the people who were in charge of the construction of the buildings so construct them that they would be adapted to the purpose? Is it not a fact that if they are located in the cities there will occur the same waste of money?

Maj. SHELTON. I think not. We want to see matters so arranged now that the mistakes that have been made in the last hundred years will never be repeated. I should like to see such a definite plan put before you that you will be ready to study it and satisfy yourselves before you commit yourselves to it—

Mr. SPEER. Is it not a fact that Fort D. A. Russell and a number of these other western posts have large parade grounds where large bodies of men can be maneuvered, and is it not a fact that the Government now owns these grounds, and is it not a fact that if we should move these posts and abandon them and establish new posts in the cities the Government will have to go to the expense of procuring proper parade grounds as well as quarters?

Maj. SHELTON. No, sir; a parade ground for close-order drill is a small matter in any post. Fort D. A. Russell has probably no more than enough ground for close-order drill, and if the troops engage in field exercises they must go to the maneuver reservation some 35 miles away. Now, in the great majority of our posts we have the same condition; they are not large enough for field training of importance, or for any purpose except the ordinary close-order drill and exercises.

Mr. SPEER. How much land does the Government own around Fort D. A. Russell?

Maj. SHELTON. I do not know.

Mr. SPEER. It owns quite a large body of land there, does it not?

Maj. SHELTON. Yes, sir.

Mr. SPEER. That is true of a good many of the other western posts, is it not?

Maj. SHELTON. It is true of a good many of them, but comparatively few of them have enough ground for field exercises.

Mr. BULKLEY. How would you provide for field exercises under your plan?

Maj. SHELTON. Just as it is done all over the world where this method is followed. We can buy or lease stretches of ground somewhere that has no other value, but is suited to drill purposes and is of the kind that troops would have to operate over in time of actual war. We could lease ground for this purpose, and we would not have to go to the expense of building roads upon it. We would simply use any ground available for the purpose. There would be no diffi-

culty in securing it ordinarily within reasonable proximity to the barracks. On this the troops would get their practical field training, but for the ordinary exercises and close-order drill, parades, and ceremonies the parks of the city where quartered would meet the purpose. It would not injure the parks in any way, and these drills and parades would prove an attractive feature to the parks and help to popularize the Army, which is what the Army needs.

Mr. DIFENDERFER. Railroad facilities constitute an important consideration in this matter, do they not?

Maj. SHELTON. Yes, sir.

Mr. DIFENDERFER. It is in evidence before this committee that it required 115 hours to move a single troop away from Fort D. A. Russell at the time of the mobilization of the Army at San Antonio.

Maj. SHELTON. I am not familiar with that particular instance. I know that there was delay in moving the troops from Fort D. A. Russell, but, of course, more troops were taken from that post than from any other.

Mr. DIFENDERFER. I am speaking of the troops taken away from Fort D. A. Russell.

Mr. SPEER. Might not that occur no matter where the posts were located if arrangements had not been made for cars in advance?

Maj. SHELTON. Yes, sir.

Mr. SPEER. Is it not a fact that the troops were quickly mobilized on the Mexican frontier at the time it was done last summer?

Maj. SHELTON. These troops never were mobilized—

Mr. DIFENDERFER. They were dropped down there, were they not?

Maj. SHELTON. Yes, sir. Mobilization means, as we understand it in the military world, to assemble a military force complete in all its details of organization, strength, and equipment, ready immediately to take the field against a prepared enemy.

Mr. DIFENDERFER. Is it not a fact that they were in good condition and ready to take the field, and that the only thing lacking was that the regiments were not filled up or recruited up to war strength, but, is it not a fact that so far as equipment and ability to take the field are concerned that they were in good condition?

Maj. SHELTON. Yes, sir; excellent—

Mr. DIFENDERFER (interposing). Some one testified that the only thing lacking was strength in numbers.

Maj. SHELTON. I want to go on with my answer. Individually they were in excellent condition to take the field, and no doubt they would have given a good account of themselves, as American soldiers will always do, but, as an organized force, they were not in condition to take the field against a prepared enemy.

Mr. DIFENDERFER. Why? Let us get down to the particulars. I have not liked your severe criticism of our Army—

Maj. SHELTON. For these reasons: The companies, as you say, were not filled, and, even in their reduced numbers, a considerable part of the strength was made up of recruits who did not join until after the organizations had reached Texas. The transportation was not all on hand; the combat trains were not made up, and all of the sanitary organizations were not complete in their equipment as to transportation. The tactical units higher than the regiment—the brigades—had never served together before; there was probably not a brigade commander there who had ever seen a tactical organization of division

size together in its proper proportions before. The staff officers had never had experience in administering and supplying a tactical organization of that size. The location of the camp, the time of the year, and the condition of the weather afforded little opportunity for maneuvers on a division scale. These are the main reasons why that command was never ready to take the field for active operations against a prepared enemy.

Mr. DIFENDERFER. Is there not another reason? Is it not a fact that that force actually dribbled into San Antonio in squads, hardly arriving at the dignity of a company in many cases?

Maj. SHELTON. To some extent; yes, sir; though, after their arrival, this of itself ought not to have had any effect on the remainder.

Mr. BULKLEY. Do you say that they were never at any time prepared to move against a prepared enemy?

Maj. SHELTON. That is my judgment.

Mr. BULKLEY. How long were they concentrated down there?

Maj. SHELTON. Five months, I think.

Mr. BULKLEY. And in all that time they were never prepared to go against an enemy?

Maj. SHELTON. I would not go so far as to say that they were not prepared to give a good account of themselves in whatever emergency might have arisen. I believe that they were. But speaking in a military sense, as a fully organized, equipped, and trained military unit, they could not, under the circumstances, have been in readiness to take the field immediately for active operations against a well-prepared enemy—

(At this point a question was asked concerning the efforts made to recruit the command to its full strength.)

Maj. SHELTON. I think it was intended to recruit the division to its full strength, but the plan was changed or abandoned. I am speaking now merely from hearsay, and I may not be exactly within the facts; but I think the effort to recruit up to full strength was abandoned. The transportation there was not sufficient for a division—

Mr. BULKLEY (interposing). What kind of transportation?

Maj. SHELTON. Wagons and animals; there were never enough animals and wagons there to supply the division with the amount of transportation now prescribed by the field-service regulations.

Mr. BULKLEY. Was there not full time to provide that transportation?

Maj. SHELTON. They sent down a good deal. Whether the plan to supply it in full was finally abandoned or whether it was never intended to send it all down, I do not know; but it was not there, and the command could not be said to be in readiness to take the field immediately unless it had all of its transportation with it and all necessary field equipment.

Mr. SPEER. If it was not intended that it should take its full equipment when it went down, why should they go to the expense of sending down a lot of equipment that they did not expect to need?

Maj. SHELTON. Why should we go to the expense of sending down the troops?

Mr. SPEER. As I understand, it is your theory that one of the reasons for the failure of that mobilization, or whatever you call it, was the fact that so many officers had never had experience in han-

dling large bodies of men. Then, was it not thought at that time that it would be advantageous to get the Army together once and have a little experience along that line? Was not that one of the purposes?

Maj. SHELTON. I think so; but experience in a military way that is not of the same kind that we are going to meet in actual operations is not particularly valuable. This, of course, is the point that I am trying to reach. If we had had any tactical organization at all in the way of an army, that concentration would not have been necessary; or, if necessary, it would at least have been easy of accomplishment and probably would have cost much less.

Mr. BULKLEY. Assuming that the concentration was made for the purpose of giving the officers a military experience which they had never had before, would it not be a part of that military training for them to have all the proper transportation and supply for the troops—in other words, the whole outfit?

Maj. SHELTON. Yes, sir; if the idea was to give these officers experience with a proper command—that is, a tactical command—then this command should have been tactically complete and perfect in every detail. We gained a great many valuable lessons from the concentration in Texas, and it well paid for itself. The money was wisely expended so far as the military service is concerned.

The CHAIRMAN. Will you pardon me for a moment. If any of you desire to ask further questions along that particular line, I shall, of course, not ask you to desist, but I want to get before Maj. Shelton a line of questions on the subject of the organization of the Army. Major, we have a map here before us, which, I believe, shows the present plan of organization or disposition of the Army, does it not?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. It shows that there are three divisions, does it not?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. And there are seven departments?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. What, if any, criticism have you to make of that arrangement or disposition of the Army?

Maj. SHELTON. It is a territorial system, of course, and is wholly for administrative purposes in time of peace. It has no true military significance whatsoever.

The CHAIRMAN. Does the present arrangement make for efficiency in the Army?

Maj. SHELTON. The present arrangement is distinctly opposed to efficiency in the Army, speaking of efficiency in the sense of fighting efficiency, which is the only efficiency of the Army that we ought to consider.

The CHAIRMAN. Explain that as fully as you can.

Maj. SHELTON. First, I want to consider this word "division" for a moment. The lowest unit of military organization, speaking in a tactical or military sense and having in mind an organized army, is what is called the division, or infantry division. It is a body of troops not composed solely of infantry, but with a foundation of infantry and the proper proportion of the other mobile arms of the service added, with, of course, the necessary staff departments and a commanding officer. When properly organized, it is thus a complete army in itself. It is the lowest complete unit of army organization, but it is in itself self-supporting and a complete army. These

divisions that we have here are nothing of this kind. They are not tactical divisions. It is a territorial designation. Therefore, I am going to avoid the word "division," as used on this map, for the present, and when I use it I shall mean this tactical division or unit of army organization. I am going to refer to these geographical divisions as departments. We have, then, these various territorial departments, each with a department commander and a department staff. No two of them are the same in the number or proportion of their troops, in the number of their stations, or the location of their stations. No two of them have any military or tactical relation to each other. The troops in no two or more of them can be combined into anything that would represent a military unit. The troops in no one of them is a military unit, and if a demand for troops came in a large sense, as it did when we concentrated the division in Texas, we could not take the troops from any one of these departments and use them. We would have to draw so much infantry from one or another, so much cavalry from one or another, so much field artillery from one or another, so many staff officers from one or another, and, finally, as we did in Texas, we would have to concentrate this lowest unit of army organization in order merely to assure its organization and equipment. In the meantime, we should have left little detachments or aggregations of troops in each department that would remain to be administered and supplied. We would have to leave then, as well, a commanding officer and an entire staff at each of these territorial headquarters. In this alone, as you will see, we have doubled the offices of administration and supply, while dividing our forces.

The CHAIRMAN. As you are now speaking of divisions, in order that the committee may better understand the record, please state what is a military division as now constituted.

Maj. SHELTON. Our tactical or infantry division, as prescribed by the field service regulations which at present govern, is made up of nine regiments of infantry, two regiments of field artillery, one regiment of cavalry, one battalion of engineers, one battalion of signal troops, four ambulance companies, four field hospitals—the last two comprising the sanitary troops—a service of supply, which consists of an ammunition train, a supply train, and a pack train, and the necessary staff officers and assistants.

The CHAIRMAN. Under the present organization or arrangement and disposition of the army, is there such a division organization as you have described?

Maj. SHELTON. No, sir. For instance, this territorial division known as the Eastern Division has now, I think, three regiments of infantry, one and one-third regiments of cavalry, one battalion of field artillery, one battalion of engineers, and one company of signal troops.

The CHAIRMAN. And that force is scattered where?

Maj. SHELTON. It is scattered from Maine to the Gulf. These troops could not be used in a military way in that combination. The troops in the Central Division could not be used in combination there in a military way, and the troops here in the Western Division could not be used in a military sense.

Mr. SPEER. The Army is divided into regiments which would be a unit, and, if needed for service, what is the reason that you could

not take from these different divisions the units that you want and bring them together, instead of having them permanently together?

Maj. SHELTON. We can; and we did that in Texas.

Mr. SPEER. What is the objection to that plan?

Maj. SHELTON. Our objection is the expense. That, however, is the secondary objection. The primary objection is that we never have a military force in readiness for immediate use, and a military force that is not in readiness for immediate use represents a waste of time and money.

Mr. SPEER. You say that they are not ready for immediate use. Do you mean that they are not now thrown together? Suppose they are scattered over the country; why can they not be brought together almost as quickly as if you had them already grouped as you want them permanently?

Maj. SHELTON. Because this is a territorial system, and without a tactical organization there is nothing to assure us the proper proportion of the different arms, and there is nothing to assure us that all the parts of the organization exist or that they can be brought into the desired combination without friction and waste.

Mr. SPEER. Why can they not be used as they are at present as efficiently as if you had them grouped together if the officers in command of these detached units are competent and the men are properly drilled? Why can they not be thrown together?

Maj. SHELTON. Because men and officers can not be properly drilled or trained in a large sense unless they are employed in combination with the troops of other arms in their proper proportions.

Mr. SPEER. Was it not the idea in establishing some of the large posts, like Fort D. A. Russell, that the troops would be afforded ample space for these exercises?

Maj. SHELTON. But, unfortunately, the troops at Fort D. A. Russell are not in the proper proportions.

Mr. BULKLEY. Have they ever been in the proper proportion?

Maj. SHELTON. No, sir.

Mr. BULKLEY. Could they be put in the proper proportion there?

Maj. SHELTON. It might require rearrangement of some of the buildings.

Mr. SPEER. Is it not a fact that the needs of the country require that different branches of the Army should be located at the different posts? For instance, the West has required more cavalry on account of Indian troubles, and the East has required more of the engineering forces on account of fortifications, etc. Has it not been practically necessary to keep the Army distributed in this way, realizing if it was needed in time of war, that ample time would be afforded, in these days of wireless and other improved facilities, to bring them together to meet the emergency?

Maj. SHELTON. I am not criticizing past conditions so much as I am regretting them, but I am criticising the present conditions and I think we ought to get away from them. The whole development of our army has been dependent on meeting the actual conditions presented at the moment. We have never looked far to the future. The cavalry was used in the West very largely during the Indian troubles, and this system of distribution developed from that. But conditions have changed and we should meet the change.

Mr. BULKLEY. Do you know when the most recent Indian fighting occurred?

Maj. SHELTON. In 1891, I think.

Mr. BULKLEY. Over 20 years ago?

Maj. SHELTON. Yes, sir. We have no further use for an army as a protection from Indians; we have no further use for the Army in a wide sense in suppressing internal disorders. If we have any use for the Army to-day, it is in a national and not in a local sense. If we are going to use the Army for national purposes, it must be organized for these purposes, and distributed, as far as possible, to meet the conditions that these purposes impose. If the committee will have the patience to listen to me for a few moments while I try and show you how our system has grown up, and the conditions we are trying to get away from now, and the results we are trying to attain, I believe I may make myself clearer, and, I believe what may seem now to be rather harsh criticism of a service I love will appear in another light.

Mr. SPEER. I do not want it to appear that I am opposed to your plan. I want to get the facts about it. On the other hand, I am inclined to favor what has been favored here in the way of a new arrangement. I think, however, that the fact that we have spent large sums of money in the past, and find now that we ought to change the system, does not necessarily constitute any reflection on those who expended it before. It may have been very wisely expended, and in asking these questions I merely want to bring all these things out.

Maj. SHELTON. I want to make that same statement. I am not reflecting on any individual. I do not think that anybody, living or dead, is to blame for the existing conditions; but these conditions do exist, and, if they are wrong or obsolete, we ought to try to get away from them. Now, if we study the legislative development of the Army, it is clear that, with the exception of three or four general reorganization acts that have concerned every part of the Army, the great mass of the military laws which have been enacted for the Army have been separate enactments, each concerned with but one particular part of the Army—one little group of men, one arm, one staff department, or one special corps. Year after year this has gone on. No two of these acts have borne any relation to each other; none has taken account of what had been done before, except to protect individual rights already granted. The organization resulting from these separate laws of each of these separate arms and departments bears no relation to the organization of any other department, and none to any organization as a whole. We have gone on in this way for over a hundred years, each part of the Army developing itself without regard to the rest of it. It was impossible, under these circumstances, for any unity of thought throughout the Army, or for any unity of organization to develop. You gentlemen in Congress have frequently complained, when considering military legislation, and calling upon officers of the Army to appear, presuming that they should have expert knowledge in the matter, that you got diametrically opposite opinions; that you could get no uniform expression of belief concerning anything in a military way. The complaint was well grounded. But, with a system developed under these conditions, is it surprising that you found no uniformity

of thought? Could you expect uniformity of thought in a service developed on such divergent lines?

Now, the effect on Congress has been this: Year after year, bill after bill to increase or develop some part of the Army has come before you, and while most of them have received no consideration, still, one by one, numbers of them have been made into law and this or that part of the Army increased or developed. The effect on the Army has been to force each part to struggle for itself alone and to appeal to Congress and to work for legislation wherever it could see anything to be gained. The parts of the Army outside of Washington could not fail to see that the parts in Washington profited most. This was human and natural. The different parts coming here to Congress, working for their own interests, were not dishonest; they told nothing but the truth; their own interests were before them; they could see them; and they never got any thing that they could not put to good use. But it really amounted to nothing in the development of a military system, because the parts were going forward by unequal strides. The proportions were growing worse and worse; the lack of sympathy between these parts was becoming more and more prominent; selfishness was becoming more and more evident; the desire for promotion more and more marked. Then we began to realize where we were going. Now, no one was or is to blame for that condition; no one could blame Congress, and no one could blame the Army; it was simply the inevitable result of our development and environment. But you have every reason to ask yourselves, now that we think we have discovered all this and are coming to you with some new suggestions, how you are to know that we are any nearer right in this case than we have been before. I think I can explain that.

The life of the Army for the last 10 years, or since the Spanish-American War, has been considerably wider than it was before. The Army has moved about and seen more of the world and more of field service. It has used its forces far enough, at least, to see the uses of the different arms and the different staff departments in the field. In 1901 you gave us the detailed staff corps. Before that, when an officer went into a staff department he remained there for the rest of his career. His interests lay therein, and if he got any promotion it was in or through the development of that staff department. But in 1901 came the detail system, which requires that when a vacancy occurs in a staff department it shall be filled by a detailed line officer, who, after serving four years, goes back to the line. Therefore, his interest remains with the line. But this change has served to bring officers of the different arms and staff departments together, and through this they have begun to understand each other. In 1903 you provided the general staff. A primary purpose of the general staff is to study the organization of armies and the use of troops in their proper combination. Under the provisions of this law, officers of the various armies come to Washington and pursue these studies together, and then go back to the line, where they help to spread the principles of organization which they have learned in this common study. The tendency of this is to bring the officers representing the several arms of the service into closer relation and to induce better understanding of the needs of the service as a whole. In addition to these, we established the service schools, where student

officers from the different arms have been sent to study the organization and use of troops in their proper proportions in the field or for war purposes. These officers, as well, have gone back to the line and helped to disseminate this knowledge of troops properly organized and in their proper proportions. All this has served to start the movement now under way for better things in a military way. We now recognize the fact that for military efficiency we require an organization that, regardless of its strength, will mean military efficiency, and, regardless of its stations, can be immediately brought together for use in time of emergency.

The CHAIRMAN. Major, how complete do you consider the organization of the War Department as having some one at the head with authority to direct and command the carrying out of any particular policy, and to define all the channels necessary for putting into effect any particular policy relating to the Army?

Maj. SHELTON. So far as the legal organization of the War Department is now concerned, I think it is open to very little criticism in that respect. But practically the conditions are not such apparently as to permit undivided military control of the service; and until we have in the internal affairs of the Army an absolute military control, which means final control by one military mind, we can not have efficiency in the service.

The CHAIRMAN. Can you indicate to the committee any of the defects resulting from that condition?

Maj. SHELTON. I think these defects are the result of the development that I have just outlined. While the struggles of these various arms and departments were going on, the staff departments were for many years permanent departments, and the interests of the officers within them lay in the development of their particular departments. They all had permanent headquarters here in Washington. They grew steadily stronger—that is, individually, not collectively—and at no time was there anything to coordinate their work as they developed along these divergent lines and continued to grow stronger. The general staff was created for that purpose, in part, at least. The chief of staff was given authority to supervise these various departments, and a part of his duty lies in coordinating their work.

Before the organization of the general staff we had, not legally, I think, but by custom, an officer in the War Department known as the commanding general. He commanded nothing. The staff department, partly by law and partly by custom—but, I think quite largely by law—reported direct to the Secretary of War, and whatever was done in the way of coordination was done by the Secretary of War; that is, by a civilian. It was and remains an impossible task for a mind not militarily trained. With the organization of the general staff, after the institution of the detail system, it was expected that we should get away from this condition, and very largely we have got away from it, and very largely we are getting away from it now. But old customs die pretty hard, and military systems are proverbially conservative. The introduction of the general staff upon the scene marked a departure that a good many regarded, and, I am sorry to say, still regard, with considerable suspicion. I do not believe the general staff system as applied in our service has been fully understood either in Congress or by the people or even by the

Army itself. It has never been welcomed except by the line of the Army, and it has been criticized by all—even by the line of the Army. But what the general staff represents is control of the military forces, so far as the Army is included, by the Army itself; and the line of the Army realizes that until that control is established and accepted we shall never have military efficiency. Now, the difficulty is plainly this: Consciously or unconsciously—and I think largely unconsciously—some staff departments which were formally independent and reported directly to the Secretary of War have resisted the efforts to assure coordination on the part of the chief of staff. This is not said in a spirit of unfriendly criticism. In all of these departments we have very able officers. Much less, then, is it said in a spirit of personal criticism. But it is stated as representing what I believe to be the fact.

Until the necessity of coordination by a military mind is recognized, combined efficiency in the War Department seems to me impossible. Let me explain the reason. We have, starting with the smallest organization in a military system, in the company, a captain and two lieutenants. If the captain is not supreme, the company certainly can have neither discipline nor efficiency. If the two lieutenants can go over the head of the captain to the major or colonel of the regiment and express independent judgment concerning how the company should be administered, we can have neither discipline nor efficiency. It is the same way with the regiment. If the colonel is not supreme within his regiment—if his lieutenant colonel, or his majors, or his quartermaster, or adjutant, or subsistence officer can go over the colonel and carry their views concerning the supply and equipment and training of the regiment to superior authority direct, there can be neither discipline nor efficiency. Now, the regiment is the highest organization we have in a military way in the service. We have the various territorial departments, with their territorial staff officers, their territorial commanders, but they mean nothing in a military sense. In other words, my point is this: After the regiment, all real military authority is centralized in the War Department; the conditions of administration, supply, and organization are all prescribed by the War Department. Now, somebody in the War Department itself, then, must exercise supreme control over the Army as a whole as completely as that which the colonel exercises over his regiment and the captain over his company. Otherwise we can have neither efficiency nor discipline in the whole.

Now, who is going to exercise this supreme control here in Washington? Constitutionally, it is the President of the United States; but, as a matter of fact, we all know that he can not enter into the intimate details of military administration in a way that would permit him to exercise such control practically. He has not the military experience; he holds office for but a short period; and, in any event, he has not the time to give his attention to the manifold details of military administration. We have the Secretary of War, an officer especially provided for this purpose, but he also is not trained in a military sense. He holds office, ordinarily, for an even shorter period than the President; and he, too, has so many duties aside from the Army itself that he can not give his attention to these details in the degree required, and he can not bring to bear the necessary intimate knowledge of these details of military administration. Next, we

have a Chief of Staff provided. He is by law the selection of the President; but, as a matter of fact, he is the choice of both the Secretary of War and the President, and only so long as he can work in perfect harmony with his two chiefs—the Commander in Chief of the Army and the Secretary of War—can he hold his office. He must resign when he is no longer in sympathy with the policies of his superiors. He is the first one, then, in the military hierarchy who brings to bear on the Army military knowledge, practical life tenure of military office, and acquaintance with the details of military administration. Now, if he is not to be in supreme control of the military situation, under the Secretary of War and the President, then there is no room in our system for a Chief of Staff. If the various officers of the several departments that exist for the supply and administration of the whole military establishment, just as the staff officers of a regiment exist for the supply and administration of that regiment—if these various staff officers of the department are not to submit to the supervision of the Chief of Staff, then we can have neither efficiency nor discipline in our service. In other words, at every point, as we go up in the military scale of organization, some one military mind must be in absolute control.

In the War Department the only one who can meet this condition is the Chief of Staff, and if he is not to be given this authority and is not to find loyal support, then there is no room in our system for a Chief of Staff or a General Staff; and I do not believe that in this modern day an army on the scale that is necessary in a great war can ever be prepared, organized, or used without a general staff system. This follows simply because the field of operations, the field of battle itself, and the immense numbers involved in modern war have all grown to proportions where they are beyond the grasp of any single human mind, and the chief must have a body of assistants all trained along the same lines—all men that have been trained by him, all men that have worked with him in the development of his policies—to assist him when this emergency arises.

The CHAIRMAN. Major, you have stated that the present organization does not make for efficiency, and that it does not meet the conditions of economy. I believe you have stated that it represents extravagance and waste, have you not?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. Is that your opinion?

Maj. SHELTON. Yes, sir; I believe our present organization or lack of organization leads to extravagance.

The CHAIRMAN. Then, is it your opinion that the results are not obtained that should be had, considering the sum of money that has been devoted to the Military Establishment?

Maj. SHELTON. Yes, sir; I do not believe we are getting a full return in efficiency for the money that we spend on the Military Establishment.

The CHAIRMAN. What is your remedy, if you have one, for the condition you have described?

Maj. SHELTON. My remedy, or the remedy that I would suggest, is to begin at the bottom and organize our Army. I do not say "reorganize" because our Army has never been organized. I would begin with the soldier recruit, the first element. We ought, indeed, to go further back and fix first a recruiting law that would be opera-

tive in time of war. My opinion is that we must begin with the soldier recruit and organize our Army from him upward. All of our legislation, or the great mass of it, has been in the nature of organizing from the War Department down to the recruit, and you gentlemen never have had sufficient patience to enact laws rapidly enough to get down to the recruit.

Mr. BUCKLEY. How would you go about effecting such an organization as that you speak of?

Maj. SHELTON. I would decide on the proportions of the various arms and the strength of our tactical unit, which must be the division; and I would then organize, first, the company, giving the largest number of enlisted men to the company that three officers can take care of under our system—

Mr. BULKLEY. But I would like for you to go further. When you say you would decide these things, I would like to know how you would decide them. How would you decide them? Who would be consulted about that?

Maj. SHELTON. The General Staff; it is a function of general staffs by law as well as by universal custom throughout the world to plan the organization of the army. But the organization of an army, so far as proportions go, which is the main thing, is pretty well settled by consensus of judgment throughout the military world. Every country uses its army, or must be prepared to use its army, just as every other country uses or prepares to use its army. War, if you regard it for the moment as a game, is played according to rules just as fixed as the rules governing the game of football. It is played by teams that are organized in exactly the same way. Just as we have center for center and guard for guard on a football team, so in armies we have infantry for infantry, artillery for artillery, and cavalry for cavalry, while each staff department finds its counterpart in the other system. The proportions are within reasonable, though, of course, not exact limits, the same, and are practically fixed by this consensus of military judgment.

Mr. BULKLEY. Then, nothing remains to be decided about these points?

Maj. SHELTON. There is this to be decided—

The CHAIRMAN (interposing). Do we have that organization now? Do we have such an organization as you have described?

Maj. SHELTON. No, sir. We have a theoretical or paper division; but one of the results of the concentration in Texas was to show that this division which we have is probably not the best one. We never tried our organization practically before, so we could never get the troops and supplies together to find out whether the organization would work practically in the field. When we did try it, we found that there were some things that ought to be changed, and we are working now on a new organization for the division.

Mr. BULKLEY. Do you mean the General Staff is doing that?

Maj. SHELTON. Yes, sir. There has been this difficulty in the way, arising from the manner in which our Army has heretofore developed: Each arm has developed separately, and the proportions today are, of course, all wrong. The General Staff is composed of officers drawn from all of these various arms, and, though the proportion of these arms in organized armies is practically fixed by consensus of opinion, there are still differences dependent on local con-

ditions, and they are not absolutely fixed. Not unnaturally our officers exercise the very human quality of trying to do the best they can for their own particular arm of the service.

Mr. BULKLEY. Is there any advantage to be gained in the way of promotion from doing that?

Maj. SHELTON. Yes, sir; promotion now is within each arm, and the enlargement of any arm beyond its proper proportion, of course, gives additional promotion to that arm. But even that rule varies, because our system of promotion has changed at times, and the different branches have grown so unevenly that promotion is now so involved that there are exceptions to any statement of that kind. But, speaking generally, the enlargement of one arm means more in the way of promotion for that arm than another.

The CHAIRMAN. What opportunity for training does our present organization afford the general?

Maj. SHELTON. None whatsoever.

The CHAIRMAN. Why?

Maj. SHELTON. Because he has not a command that even resembles the command he must exercise in times of actual operations. His troops are scattered in small detachments throughout his territory. He is stationed at a point generally distant from his troops, and he sees them only at the periods of his inspections. He sees them intermittently, and then in improperly combined detachments, and never together in the proportions and numbers that he would command in time of war. He finds no opportunity, therefore, to use his troops in the manner in which he would be required to use them in time of emergency.

The CHAIRMAN. Then, the present disposition or organization of the Army does not admit of that?

Maj. SHELTON. No, sir; it prohibits it. He is, moreover, an administrative officer; he is charged with the details of administering this nonmilitary command that he exercises. He has very little real authority, and yet practically all of the correspondence of his department must come to him or pass through him to the War Department, and must return through him to the troops.

The CHAIRMAN. Major, you have a map here.

Maj. SHELTON. Yes, sir; it indicates one phase of our overhead expenses—the unnecessary overhead expenses of the Army. It indicates the unfortunate distribution of our troops in this way: These various colors divide the country into sections comparing the population with the percentage of the mobile Army stationed in each section. In this most thickly populated section, where there are 149 persons to the square mile—

Mr. BULKLEY (interposing). Will you indicate what section of the country that is so that the record may be intelligible?

Maj. SHELTON. Yes, sir; the section I have indicated includes the New England States, New York, Pennsylvania, Maryland, Delaware, and New Jersey. The population of this section is 149 per square mile. That section of the country has 14 per cent of the mobile Army. The southern section, east of the Mississippi River and south of the Ohio River, which has 41 persons to the square mile, has 0.06 per cent of the mobile Army. The narrow strip along the Pacific Coast, west of the Sierras, where the population is 25 per square mile, has 12 per cent of the mobile Army. The remaining section, west of the

Mississippi River and east of the Sierras, with a population of 13 per square mile, has 58 per cent of the mobile Army. This has resulted, of course, from the Indian days when this particular section was the scene of most of our Indian struggles.

The CHAIRMAN. Now, you have not mentioned that section which was the northwest territory.

Maj. SHELTON. The section north of the Ohio and east of the Mississippi has a population of 73 per square mile, and has 10 per cent of the mobile Army. Now, the necessity for troops in this section [indicating the section west of the Mississippi River and east of the Sierras] has largely passed away.

The CHAIRMAN. It is impenetrable, is it not?

Maj. SHELTON. Yes, sir; an Army is designed for three uses: to resist invasion, to invade, or suppress insurrection or local disturbances. To resist invasion or to invade, our Army should be along the coast or along the borders; to suppress insurrection, or to put down serious disorder, it should be near the places where disorder of this kind is most likely to occur. Such disturbances are more likely to occur, if there is any likelihood of their occurring at all, near the most thickly populated centers. They are certainly not likely to occur in this vast region with such a low percentage of population. Therefore, every military reason requires the redistribution of the troops of the mobile Army to meet these three conditions, and economic reasons demand it as well. This section which has the lowest population has also the fewest railroads, and the conditions of supply are the most difficult. There would be a substantial saving in transportation from redistribution.

The CHAIRMAN. What about recruits for the Army?

Maj. SHELTON. In the matter of recruits, there would be an immense saving. These signs indicated in red on the map represent the recruiting stations of the country. The great mass of the recruiting stations, of course, are where the great mass of the population is. That is, nearly all of the troops have to be recruited from points farthest from where the troops are stationed. If the soldiers desert, the same operation has to be gone through with. If a deserter is captured, he is frequently captured back at his home and has to be sent to some place for trial distant from the place where he is captured. The whole subject of transportation is seriously involved in this distribution of the troops.

The CHAIRMAN. Is it not a fact that many of the mobile Army posts are located in sections of this country [indicating] where the sources of supply are distant?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. All supplies for the Army are purchased under contract, or under award, and, I take it, the purchases are made in large quantities.

Maj. SHELTON. Yes, sir.

The CHAIRMAN. And the fact that a field of hay or a field of wheat may be close to the post, does not necessarily indicate that these supplies can be obtained cheaper there?

Maj. SHELTON. No, sir; of course forage and meat may at times be bought near the post.

The CHAIRMAN. But these supplies, as a rule, have to be purchased in the big centers?

Maj. SHELTON. Yes, sir; all the supplies, as a rule, must be purchased in the big centers.

The CHAIRMAN. And there is also the expense of transferring officers from one post to another, or from one organization to another?

Maj. SHELTON. Under the system we have now the officer on his promotion rarely stays in the same regiment. He goes to the regiment where the vacancy occurs, ordinarily, regardless of where that regiment may be. A man stationed in New York, for instance, in the Twenty-ninth Infantry, is promoted to a vacancy in the First Infantry, in Washington, or the Eighth Infantry, in the Philippines, and must be transported to his post. Now, if we had a tactical organization into divisions, promotions by administrative action could largely be kept within the division, and considerable travel avoided. In a division, say, with nine regiments of infantry, the promotions in these regiments could be kept within the division.

The CHAIRMAN. Do you know what the item for the transfer of our officers last year amounted to?

Maj. SHELTON. I will answer that in the record.¹

The greatest advantage of true organization and the greatest saving in expense would lie in the fact that the command would always be in readiness for service. If the troops in this section, for instance [indicating], were in their proper proportion and in proper strength to constitute one division, and if, instead of this territorial organization, there was a tactical command, the division commander would have his complete staff, and when need for the troops arose he would take both staff and troops, and all of them would move together. There would be nothing left behind. No staff would be required to administer the remaining troops, because there would be no remaining troops. Moreover, the staff officers would have had experience in supplying and administering the same command that they would have to supply and administer when called upon to use it in a military way. The general officer in command would have exercised the same command, and if any of these officers were changed to another division he would find the conditions unchanged. He would always be under training for his real work in time of war. At present, no two of these commands being the same, the staff officer gains little experience in one of service to him in another. And, finally, the division would be in readiness to move, and this is, perhaps, the most important part of it. At present, we can not be assured of any tactical command larger than the regiment being in immediate readiness to move. Our regiments are in readiness, our battalions are in readiness, and our companies are in readiness, because in each one of these there is some officer definitely responsible for its training, for its equipment, for its supply, and for its readiness to move. Now, none of these territorial department commands can be in this condition, because their troops can not be moved as military units, and because there is no officer in any of them who is responsible for the equipment and supply of unformed tactical units. With a division organization some officer or officers would be just as definitely responsible for the equipment and supply of the command as are the officers of a regiment for its supply and equipment.

¹ The Army appropriation bill for the current fiscal year contains the item "For mileage of officers and contract surgeons when authorized by law, \$600,000."

The CHAIRMAN. What would be the relative value of such an organization, formed in the military way you have indicated, as compared with the present mobile Army?

Maj. SHELTON. As far as anything that our mobile Army can do to-day, with its present distribution and system, I believe that one complete division held in readiness for immediate movement could meet every duty of a military nature that our present Army is capable of performing.

The CHAIRMAN. And we now have how many divisions?

Maj. SHELTON. We have enough men now in the Army, in actual numbers, to make four divisions, or, excluding the Coast Artillery, which would have to be excluded from the mobile Army, we have enough for three divisions. We can not make three divisions, however, because the proper proportions do not exist; but if we had three divisions, we would have an Army. As it is, we have nothing but an aggregation of troops that can not be used as an army until organized; and if war were to come to-morrow, we would have to stop and organize before we could make a move. It would simplify every problem of peace administration if we were organized at all times, but the great gain would appear with war.

The CHAIRMAN. In our present condition as to organization in case of war would we not have to suffer severe loss while making these preparations?

Maj. SHELTON. Yes, sir; very severe loss, in my judgment, in case of war. I do not believe at this time that in any war into which we can possibly be drawn we are going to have sufficient warning to stop and organize our forces to meet it. Unless we are to be in immediate readiness with whatever force we have, I should say that we had better disband the Army and trust to Providence.

The CHAIRMAN. We would have to sacrifice both men and money while making the preparations?

Maj. SHELTON. Yes, sir; an immense amount of money and immense numbers of men in case of an attempted invasion of this country. We know from our past history that under the immediate pressure that would come from the people and the press we should attempt to send everything that looked like a soldier to the front to stop that invasion. We would not have time for preparation, and our own people, as well as our enemy, would not give us time to create a proper organization. With whatever forces we have in immediate readiness to move, we could not only fulfill every duty required of us in peace a great deal better than we can with our lack of organization, but it would cost much less. We would save immensely in money, and we would be in something like readiness for war.

The CHAIRMAN. As I understand you, an effective organization of the Army, of the size we now have, would save immense sums of money?

Maj. SHELTON. Yes, sir.

The CHAIRMAN. And we would have a much more efficient Army?

Maj. SHELTON. Yes, sir; we have no military efficiency now, speaking in a collective sense.

Mr. SPEER. You admit that, so far as the units are concerned, they are in pretty good shape?

Maj. SHELTON. So far as the companies and regiments are concerned, within the strength now authorized, they would be able to give good account of themselves.

Mr. SPEER. Ten, all that is necessary to-day is to put them together under competent officers and they would probably be able to give a good account of themselves in war.

Maj. SHELTON. I think there is more than that. The reason they would be able to give a good account of themselves in small bodies now is because they have been trained and worked together in these small bodies. Military training becomes more complicated as the bodies of troops involved grow larger. The maneuvers of large bodies of troops are much more complicated, and it requires a high degree of training to make a commanding officer competent to handle large bodies of troops. Yet the larger bodies of troops should be trained to work together as efficiently as the small bodies do. This is the most important part of military training.

Mr. BULKLEY. When you say that our regiments could give a good account of themselves, do you not mean it largely in the sense that the famous Light Brigade gave a good account of itself.

Maj. SHELTON. Yes, sir; if war should come suddenly, these regiments could give a good account of themselves as long as they lasted, but if they waited for 48 hours, 72 hours, or a week or more, and filled up with raw recruits to their real war strength, the account might read differently.

Mr. BULKLEY. What training have our generals had under the conditions you have described?

Maj. SHELTON. None at all as generals.

Mr. SPEER. How should we get our regiments up to war strength?

Maj. SHELTON. Unless we are to have a system of reserves that would enable us to fill our Army to war strength in times of emergency, I believe that our regiments should be maintained at all times at war strength, since, otherwise, at the time when we should be the most efficient, our efficiency must be largely reduced, if not virtually ruined, by the number of raw men put in to fill the regiments to their proper strength.

The CHAIRMAN. As I understand you, with the present strength of the Army, it can be made efficient?

Maj. SHELTON. Yes, sir. My argument is not based on numbers at all. Any number that Congress sees fit to provide as the strength of the Army ought to be so organized as to make a real Army and an efficient one, regardless of size.

The CHAIRMAN. However small it may be?

Maj. SHELTON. Yes, sir; it should be efficient. Our Army is not efficient now in a collective sense. I want to make that very plain, because I have been sometimes suspected of criticizing individuals. I have been devoting myself to this subject for many years, and I have never, so far as I know, criticized any individual, in or out of the service, in this connection. No individual is to blame; it is the system that is at fault. We have a highly efficient military force individually, but collectively they can not be used, and it means simply a waste of good material and money to maintain a system of that kind.

(Thereupon, at 12.15 o'clock p. m., the committee adjourned.)

EXPENDITURES IN THE WAR DEPARTMENT.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, HOUSE OF REPRESENTATIVES, *Monday, February 26, 1912.*

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

Present: Representatives Helm (chairman), Martin, Bulkley, Diefenderfer, Hinds, Speer, and Warburton.

TESTIMONY OF GEN. TASKER H. BLISS, UNITED STATES ARMY.

The witness was duly sworn by the chairman.

The CHAIRMAN. Please state your name, present office and rank, and the post at which you are stationed.

Gen. BLISS. Tasker H. Bliss, brigadier general, United States Army, commanding the Department of the East, stationed at Fort Totten, N. Y., and temporarily commanding the eastern division.

The CHAIRMAN. How long have you been in the service, General?

Gen. BLISS. I have been in the service just 37 years, that is, since I graduated from West Point.

The CHAIRMAN. During your service in the Army were you ever stationed in the Philippine Islands?

Gen. BLISS. Yes, sir; four years.

The CHAIRMAN. Covering what period, please?

Gen. BLISS. I arrived in Manila and took command of the Department of Luzon on the 5th of August, 1905; on the 12th day of April, 1906, I took command of the Department of Mindanao, and was appointed civil governor of Moro Province; I held that command until I was relieved on, I think it was, the 6th day of April, 1909, and meanwhile, for about four months, I was temporarily in command of the Philippine Division.

The CHAIRMAN. While you were in the Philippine Islands did you ever become acquainted with Maj. Beecher B. Ray?

Gen. BLISS. Personally, no, sir; I have never seen him to this day.

The CHAIRMAN. Was he in the pay department in the Philippine Islands during the time you were in the service there?

Gen. BLISS. Yes, sir; he was.

The CHAIRMAN. While he was there and during the time that you were on duty were any charges lodged or brought against him?

Gen. BLISS. While I was there were any charges brought against him? No, sir. Well, I do not know whether you and I are using the word "charges" in the same sense. I mean charges under which an officer is brought before a court martial, but no such charges were brought. However, an investigation of the officer was made, which, if carried out fully, would have resulted in charges.

The CHAIRMAN. Please state, in a short and concise manner, the character of those charges, by whom preferred, and what, if any, investigation of the same was made by proper authorities.

Gen. BLISS. Will you first of all just let me tell you what I know about that case? It will be a guide for you in asking me questions.

The CHAIRMAN. Yes; we would be pleased to have you do so.

Gen. BLISS. And it is all in connection with these documents which you have directed me to submit to the committee. As I just stated, in answer to your other question, the greater part of the last three years of my service in the Philippine Islands was in the Moro Province, at the very opposite end of the archipelago of Manila. I did not know anything about what went on there and cared less. I had my own work cut out for me, and I never had any occasion to go to Manila.

The CHAIRMAN. Where was Maj. Ray stationed at that time?

Gen. BLISS. He was originally stationed in Manila, as I knew him from the official roster, but he went home on leave of absence some six or eight months before I went to Manila, and he was absent on that leave when I did go to Manila to take up my command, as I will explain to you in a moment.

Mr. HINDS. Did you go from the Moro country to Manila or from the United States to Manila?

Gen. BLISS. I went from Zamboanga to Manila. Zamboanga was my permanent headquarters, and, as I say, I was there the greater part of the last three years. In the month of December I received telegraphic orders from the War Department, stating that the division commander had been ordered home on account of illness.

The CHAIRMAN (interposing). Of what year?

Gen. BLISS. 1908. And that I should go to Manila in time to take command upon his departure and hold it until the new division commander, who had already been appointed in Washington, should arrive. Meanwhile I was to retain command of the Department of Mindanao and act as civil governor of the Moro Province. I went to Manila, relieved my predecessor, and took command on the 14th day of December, 1908. At that time, all I knew of Maj. Ray was that there was an officer of that name carried on the Army Register in the Pay Department; that he had the general reputation among officers of being what they call a political officer and that he had been much criticized, and I myself criticized him, for the part that the newspapers said he had taken in the political campaign in the United States during that summer, but I had heard nothing that reflected on the officer's integrity in the Pay Department or in any other way; I had never seen him and I have never seen him to this day. The first thing that I learned, when I took the office, in picking up the routine business, was that Maj. Ray had been ordered by the War Department to return to Manila to complete his tour of duty, which had been interrupted by his going on leave of absence some six or seven months before, and long before I had gone to Manila. I knew that if he obeyed his orders, which he presumably had, he was then on a commercial liner due to arrive in Manila at any moment. That was the first thing that I heard about Maj. Ray. On the morning of the 16th my adjutant general told me——

The CHAIRMAN (interposing). Of what year?

Gen. BLISS. The same year; that he had arrived that morning and had reported with the order from the War Department for his assignment, and that he had issued an order assigning him to duty, the only vacancy being one which took him to the headquarters of the Department of Luzon, and the headquarters of that department were also in the city of Manila. That was all right, and I thought nothing further about Maj. Ray. On the afternoon of the 18th of December I had occasion to return to my headquarters at Zamboanga to transact some business in connection with my office of civil governor, and just before leaving I was talking to the department commander of Luzon, and he said to me "By the way, I received your order placing Maj. Ray on duty at my headquarters, and he has reported for duty; but before he came, a letter was received at my headquarters from an officer of scouts in his command making allegation that there had been a short payment of some four or five scout soldiers on the occasion of some payment that Maj. Ray had made months before.

The CHAIRMAN. Maj. Ray had been in the Philippine Islands previous to this time?

Gen. BLISS. Yes, sir; and earlier in 1908 he had taken a leave of absence and had gone home, and while there had been placed on temporary duty in the office of the paymaster in Chicago, and he had just returned from that leave of absence; that is, at the time I am now speaking of. He said, "I do not want to put him on duty until that matter is cleaned up." I told him that was eminently proper, that he had the control of the entire matter in his hands and could put him on duty when he pleased. I then got on my boat and went to Zamboanga. I arrived there on the 21st of December, 1908, and then I received the first telegram, which I did not understand, but do now, of course, as being connected with this case. That telegram was addressed to me at Manila by the Chief of Staff in Washington, it being supposed I was there; that telegram was repeated to me at Zamboanga by the adjutant general of the Philippines Division, as follows: "Cable from Washington as follows: Quote Bliss, Manila. Will send Monday confidential message. Please decipher personally. B'll end quote. [Last word evidently intended for Bell.] Soon as message received will repeat in cipher. Kerr, A. G."

Mr. BULKLEY. Was that message in cipher?

Gen. BLISS. Yes, sir. All messages are put in cipher for the sake of economy, because a half dozen words will send 20.

Mr. BULKLEY. Was that translated by you or by your adjutant at Manila?

Gen. BLISS. I beg your pardon, the message he said he would send was to be in cipher; this message was in open English, just as it is here.

The CHAIRMAN. What was the significance of the request that you decipher the message personally?

Gen. BLISS. The officers who were with me and myself had no reason to connect this with Ray; all we knew was what had been reported to me before leaving, at which time the department commander told me that the investigation he had carried on disclosed nothing criminal on the part of Ray, but disclosed negligence and bad business methods.

But the investigation had not ended, and I did not know nor did he know what it would show.

The CHAIRMAN. But my question was, Why were you requested to decipher the message personally?

Gen. BLISS. I received the same message once or twice before in connection with the celebrated war scare of 1907, when it was not to be talked about, and I and my officers supposed this message meant there was another war on or another Boxer expedition, and when I received the message it would give me some instructions about getting troops ready, but to keep it to myself and not to let anybody know, and I assumed at that time that was why I was directed to decipher the message personally.

The CHAIRMAN. You considered that the message which would follow would be something of paramount importance or of unusual importance?

Gen. BLISS. Yes, sir; I expected some such message as I have just indicated.

The CHAIRMAN. Had you gained any information as to this charge that you had spoken of? Had any official notice been given to you?

Gen. BLISS. Absolutely nothing, Mr. Chairman, except what I have told you, that just before stepping on my boat, in talking about things in general with the commander of the Department of Luzon, who is an old friend of mine, he said what I have already given you; that this officer had reported to him but that he did not want to put him on duty until he had finished this investigation; that it was a matter that had just come to his attention and that he had put it in the hands of the inspector; that nothing criminal had thus far developed, but it looked as though it was a case calling for a severe reprimand, but that the case was not closed.

The CHAIRMAN. As a matter of fact, you did subsequently learn that there were three charges against Maj. Ray because of his conduct in the Philippine Islands?

Gen. BLISS. No, sir; I do not remember any three charges.

The CHAIRMAN. Was there not a charge about altering some vouchers, a charge about some transportation on a pay trip—

Gen. BLISS (interposing). That is the one that I know of; that I learned of.

The CHAIRMAN. And a charge about compensation paid to his clerk, a Mr. Stewart?

Gen. BLISS. All of that came to my knowledge later on, but I knew nothing of it at this time. I waited at Zamboanga expecting this important message, which might carry me back to Manila, and two days later, on the 23d of December, I received this message [indicating it], which was in cipher, also transmitted by my adjutant general at Manila. It was dated "Manila, December 22," and received at Zamboanga on December 23, "Bliss, Zamboanga. Following from Washington twenty-first quote." Then follows the cipher, which is translated here, and I will read it to you. "Personal and confidential. If possible please meet requirements of discipline in Beecher B. Ray case without reference to court-martial or War Department. Will support your action. Bell. End quote." And then my adjutant said, "Please acknowledge."

The CHAIRMAN. As a matter of fact, you do know that these papers and records concerning Maj. Ray were prepared in the United States, do you not?

Gen. BLISS. I do not quite understand what you mean by these papers.

The CHAIRMAN. These different charges against him for his conduct in the Philippine Islands; you know, as a matter of fact, that they were prepared in the United States, and that they left the War Department on December 4 and December 9?

Gen. BLISS. They were not prepared in the United States, Mr. Chairman. That is what I am trying to get to in a sort of historical sequence. The case began in Manila some 8 or 10 months before I was ever there; it was started by my predecessor, an officer who was relieved in December, 1908, and whose place I temporarily took; it was carried on in Manila until some time in the month of July, when the inspector general reported to the division commander that he had reached the point where the investigation could not be carried any further except in the personal presence of Maj. Ray; that they had various interrogatories to put to him. Maj. Ray, as I have said, had gone to the United States a good while before on leave of absence, and the records you have show all of that. Just at that time the division commander saw it announced that Maj. Ray had been put on temporary duty in Chicago and he therefore turned over all the papers and sent them to the War Department, saying, "I have carried this case as far as I can in Manila, and, seeing that Maj. Ray has been placed on duty in the United States, and not knowing whether he will return to Manila, I send the papers to the War Department for such further action as may be directed or desired." I do not remember just the exact words of his communication.

The CHAIRMAN. How do you know that to be a fact?

Gen. BLISS. I could show you if I could only finish my story. I read all of that in the papers following the time we are talking about, and that was the first time and the only time those papers were ever in my possession. Those papers left Manila under that indorsement by Gen. Weston, my predecessor in command, and they were not heard of again until the 13th day of January.

Mr. DIFENDERFER. January of 1909?

Gen. BLISS. 1909. I mean, not heard of there, and we know nothing of them. After that indorsement of Gen. Weston's the Inspector General of the Army recommended that the investigation be continued here in the presence of Maj. Ray, and the Secretary of War ordered that it be continued, and the papers were sent to Chicago with an inspector and the investigation was completed. The papers were returned to the War Department and then submitted as a completed investigation to Gen. Whipple, the head of this officer's department, and he put an indorsement on them which I remember distinctly, that the evidence showed, to his mind, that this officer had knowingly signed a false voucher, and he recommended disciplinary measures.

Mr. HINDS. That is as to the Philippine Scouts?

Gen. BLISS. No; it had nothing to do with that matter. If I could only state the whole matter I think you would then understand. My telegram to Gen. Bell referred to one thing that I thought he knew of, which he did not, and his telegram referred to an entirely different

case, which he thought I knew of, but which I did not until the mail arrived on the 13th of January.

Mr. WARBURTON. I would suggest that, if possible, we allow Gen. Bliss to proceed in his own order.

The CHAIRMAN. I am perfectly willing to have him do so.

Gen. BLISS. Possibly I can clear up some of these questions by taking up the matters I have in order.

Mr. BULKLEY. You were about to read that telegram from Gen. Bell in December.

Gen. BLISS. As I say, the first one directed me to decipher the subsequent message I would receive, which was to be in cipher. That came to me two days later, being sent to me at Zamboanga, and it is as follows: "Received at Zamboanga, Moro, P. I., December 23, 1908." It is dated Manila, December 22. "Bliss, Zamboanga. Following from Washington twenty-first; quote." Then comes the translation of this cipher: "Personal and confidential. If possible, please meet requirements of discipline in Beecher B. Ray case without reference to court-martial or War Department. Will support your action. Bell. End quote. Please acknowledge. Kerr, A. G." I have made a note on this for your information: "This telegram could not be deciphered at the time of its receipt, and the above translation could not be made by me until after the receipt of the telegram from the adjutant general in Manila, dated December 25, 1908, and numbered in this series, 4." Now you will understand that the working of the code is habitually put in the hands of an officer who, by his experience and constantly doing the work, can handle the code quickly.

I had never worked the code, and when I took the War Department code I could not make head or tail out of the message; I could not translate a single word; and, thinking it might be an important movement of troops or a direction to get ready for such a movement, I was more or less worried and I tried every device connected with the code to get a clue, but I could not. And then it occurred to me that it might have a number by which the words of the cipher are thrown forward or backward, and you have to add or subtract the key number in order to get the clue to the code and to get the translation that corresponds with it. So I sent my next telegram to my adjutant general in Manila, which I sent in cipher, because I thought if there was a key number I wanted to get it in cipher, and I did not want the code to be made public. This is my message, or the translation of it: "Zamboanga, December 25, 1908. A. G. Div., Manila. Have received your telegram of 22d. Send cipher key number. Bliss." In answer to that I got his message of December 25, in cipher, of which this is the translation: "Received at Zamboanga, Moro, P. I., 26 December, 1908. Manila, December 25, filed June 26, 1908." That is evidently the operator's statement. "Bliss Zamboanga. Message in plain cipher no key used. First word probably should be 'personal' and fourteenth 'court martial.' Message repeated quote." Then he quotes for my information the message as it had been received in Manila with these two corrections which he thought should be made in it. "Personal and confidential. If possible please meet requirements of discipline in Beecher B. Ray case without reference to court-martial or War Department. Will support your action. Bell. Kerr."

Mr. WARBURTON. What did you understand the words "without reference to court-martial" to mean?

Gen. BLISS. To reprimand him, if the case should require it, without court-martial, and still meet the requirements of discipline. I have stated that I could not translate the message, and then I received that last telegram from Manila, telling me of the two probable errors and also telling me there was no key number, but nevertheless I could not translate it as a result of that message from Manila; I was just as blind as before. And then one of my officers suggested to me that it might be in the old code. There was a War Department code that went out of use shortly after the Spanish War, which was much simpler and more quickly worked than the official code thereafter adopted, and I discovered that it was more or less frequently used for quick work, but never having done my own deciphering before I knew nothing about it.

I told the officer who suggested this to me—I was then living on my dispatch boat—to go over to the headquarters and see if they had a copy of that old code. He brought it back to me, and I immediately translated this message. It was on the 26th that that message became plain. Now, for the first time, I knew that the telegrams from Washington were talking about a case in which Maj. Ray was involved, and I knew nothing whatever of any case except the one which Gen. Mills, the commander of the Department of Luzon, had told me about a few days before, and I assumed, as Maj. Ray had this reputation of politically working things, that he had telegraphed to his friends in the United States; that they had visited the War Department, and then I received that telegram, which simply meant: Do not try him unless you have to. When I read the telegram, I could not quite understand the necessity of it, because I never had ordered a court-martial if the requirements of discipline did not make it necessary, and I had never failed to order one if I thought it necessary; but I assumed that for some reason in the War Department they wanted me to confer with the department commander, who had exclusive jurisdiction, and not let the case go to court-martial until both he and I agreed that discipline and justice required it.

The CHAIRMAN. Who was the department commander?

Gen. BLISS. Gen. Albert Mills. Not to let the case go to court-martial unless we were both satisfied that discipline did require it. Then I sent this telegram: "Zamboanga, December 27, 1908. Adjutant General, Division, Manila. Hold all papers in the case of B. B. Ray for my personal consideration. Bliss." The word "consideration" for some reason was dropped out of the telegram, but that is what it meant; the last word was omitted in the telegram. At the time I sent the telegram I expected to return to Manila in a few days, and I did; I returned on the morning of January 1 or 2, 1909; I saw the department commander and asked him how this case of investigation stood, and he told me that he had just completed it, that nothing criminal had been discovered in the action of Maj. Ray but gross negligence and bad business methods, and that he proposed to give him a severe reprimand. The whole thing was entirely within the jurisdiction of the department commander, and I said, "Then, it will be perfectly safe for me to send a telegram to Washington saying that this case is completed?" He agreed with me. We never had any

idea that the telegram from Washington referred to anything but that case.

I then sent my telegram of January 2, 1909, informing the War Department as follows: "Referring to your telegram of the 21st ult."—of December, 1908—"I have no doubt matter will be adjusted satisfactorily as suggested by you." And then being confirmed in my opinion concerning the reputation of Maj. Ray, that he worked things through his alleged influence, and that what he did once he would do again, and that there would very soon be embarrassing friction between my headquarters and the War Department if he continued as an officer in the Philippines Division, I added these words to the telegram, "to prevent further embarrassment I shall in due time recommend transfer from the division of officer concerned. Bliss." On the following day, January 3, Gen. Bell sent me this telegram: "Cipher received"—I had put my message in cipher for the sake of economy—"Recommendation officer concerned will be approved sooner made the better. Bell." I declined to make any transfer of Maj. Ray until I received official word from the commanding general of the Department of Luzon that he had finally and officially closed the case that he had been investigating. About the 7th of January I received from him a copy of his reprimand, the very stinging reprimand that he gave Maj. Ray for his conduct in the administration of his office in connection with the matter he had just investigated.

Mr. HINDS. That is the Philippine Scout business?

Gen. BLISS. Yes, sir. When I received that, and knowing the case was settled, and that Maj. Ray would not be court-martialed, as far as I knew, in the Philippine Islands, I then sent my telegram recommending that Maj. Ray be relieved from Philippine duty and, so we might be rid of him, that he be ordered to sail on the very first transport, which would be on the 15th of the month. That telegram is as follows: "With reference to your telegram third instant recommend immediate relief B. B. Ray, major, P. M., from duty this division, and be ordered to the United States, January 15, transport. Bliss." Then an order came relieving Maj. Ray from duty in the Philippine Islands and directing him to proceed without delay to Honolulu. Maj. Ray immediately turned over his responsibilities to whoever was designated to succeed him, and I remember distinctly his sending a letter stating that he would sail on the 16th of that month for Honolulu on a commercial vessel, at his own expense, instead of on a Government transport. On the morning of the 13th of January the United States mail came in. The adjutant general brought in the mail, and at the end of it he pulled out a great big budget of papers. He said, "Here are the missing papers in the case of Maj. Ray, which the War Department has been talking about and which you have not been talking about." I took them and then discovered what I outlined to you a moment ago, that it was the investigation of a charge made by a transportation company in Manila a good many months before to the former division commander, stating that Maj. Ray had gotten reduced-rate transportation from them on a false statement.

I do not want to do an injustice now, because I do not pretend to remember all of the details of those papers; but they were to the effect that Maj. Ray had gotten transportation from them stating he

was traveling on his own personal business, and that as a matter of favor to him they had given him a half-rate ticket. However, they afterwards learned he was traveling on official business making payments to troops and was drawing from the Government full compensation and full expenses on the supposition that he paid for a full-rate ticket. This Spanish company naturally enough did not care anything about the integrity of an American officer but asked that Ray be directed to reimburse them for the difference between a half-rate ticket and a full-rate ticket, with which they would be perfectly satisfied; but, of course, the military authorities took the matter up, because it was a question of signing a false voucher, and carried on that investigation until July, six months before I went to Manila. Then, as I explained before, Maj. Ray having gone on leave of absence, being in the United States, and his presence being necessary for the further investigation, the papers were sent to Washington and nothing was ever heard of the matter in Manila.

The investigation was completed and the papers directed by the Secretary of War to be returned to the division commander in the Philippine Islands for such further investigation as might be necessary and such disciplinary measures as might be necessary. I forget just the exact words of the indorsement on the papers. However, there was a review of the case by the Judge Advocate General in which he recommended disciplinary measures; he also called attention to one or two points that ought to be cleared up by further investigation, not that they would affect the merits of the case at all, but it was necessary that the law officer who drew the charges should know exactly what he was to be charged with, and what—

Mr. MARTIN (interposing). Was that after the papers were returned to Manila?

Gen. BLISS. That was all done in Washington. I first learned of this after they were returned to me in Manila. If my predecessor had been sitting in the office instead of myself he would have remembered all about the case.

Mr. MARTIN. I thought you referred to a review by the Judge Advocate General?

Gen. BLISS. Yes, sir; Judge Advocate Gen. Davis of the Army reviewed the case. As soon as I saw it I realized at once the gravity of it. It took me about 30 minutes to go over the papers and see the character of the business. I saw the charge deliberately made by the Paymaster General that he had knowingly signed a false voucher and I saw a confirmation of that in the review of the Judge Advocate General, and both of their recommendations that he be tried, and I saw the indorsement of the Secretary of War, directing further investigation and the taking of disciplinary measures. That, I think, was dated about the 20th day of December, 1908.

The CHAIRMAN. This charge that you have just described, if I understand it correctly, would correspond to what is known as an indictment in criminal practice in the civil courts, would it not?

Gen. BLISS. Well, I am not quite familiar enough with the operations of civil law to say, but I think it would conform to the finding of a true bill by a grand jury.

The CHAIRMAN. That is what I mean.

Gen. BLISS. After the case has been thoroughly investigated and all the facts brought out by the inspector the officer whose duty it is

to take disciplinary measures then turns it over to his law officer who draws up charges based on those facts, and the case then goes to court-martial, where all of the evidence is taken, cross-examination had, and all of that.

Mr. WARBURTON. The case goes to what is called a court-martial?

Gen. BLISS. Yes, sir. Well, when I saw that I immediately sent for the Inspector General, and I said, "Take this case; here is the order of the Secretary of War to complete the investigation, and I want it to be completed rapidly," and I put the matter in his hands.

Mr. BULKLEY. Were you then in Manila?

Gen. BLISS. I was then in Manila; I was actually there at my desk. Then I immediately sat down and sent this long telegram of January 13 to the Chief of Staff in Washington. Of course, I took the Chief of Staff to be all the time talking for the Secretary of War, and that I was talking to the Secretary of War, for the Chief of Staff has no functions to perform except as the mouthpiece of the Secretary of War. I do not know whether you gentlemen have copies of that telegram or not, but this is the language of it: "Manila, P. I., January 13, 1909. Staff War, Washington. Upon receipt of your personal cable December 21"—that is, the first one that I have called to your attention—"I supposed it referred solely to charges against Beecher B. Ray, paymaster, then under investigation by Albert L. Mills, commanding Department of Luzon, for alleged short payment discharged scouts. My personal cables January 2"—where I said the case would be settled without court-martial—"January 7"—where I recommended his relief from the Philippine Islands—"referred to that case alone." If I can interpolate here a moment, I want to say that I would never have recommended the relief of that office if I had supposed there was a case pending over him which involved a court-martial, but supposing and knowing that this case investigated by Gen. Mills was settled without court-martial, I said, "I will get rid of the man and let him go somewhere else." [Reading:] "Previous charges and reports Francis H. French, inspector general, were forwarded J. F. Weston, July 25, papers in the case received back to-day."

Those are the papers in the case of the signing of the voucher to get a half-rate ticket when he should have used a full-rate ticket. Then, in order to make it evident to Gen. Bell why I had to take back everything that I had said in my previous telegrams, and why he (Maj. Ray) would probably go to a court-martial, I said, "Paymaster General charges Beecher B. Ray knowingly signing false voucher." That was the Paymaster General's indorsement on the papers themselves. "Recommends appropriate action. Judge Advocate General recommends disciplinary measures; Secretary of War directs such disciplinary measures as may be best. Beecher B. Ray under orders to proceed to Honolulu." Those were the orders of the War Department previously issued directing him to go there. "About to sail commercial liner January 16 at his own expense. Orders War Department referred to"—that is, the orders to investigate and to take proper measures—"necessitate further investigation; probable trial general courts-martial. Will retain Beecher B. Ray accordingly." That was my explanation for not obeying and sending him at once to Honolulu. "Instructions of the War Department December 4 direct investigation and report similar cases E. C. Carnihan, Thomas M. Moody, captains, pay department. Will not be possible to sepa-

rate from the case of Beecher B. Ray. Bliss." That was another reason, which I knew he would appreciate at once, why I could not send Ray away, as long as two other men were under investigation for substantially the same thing, which they were charged with doing by Maj. Ray himself in defense of his own action.

When I sent that telegram I then said to my adjutant general, "The War Department will now either kill the whole business or they will realize that now the case has got to go to conclusion through its regular course, and we will certainly know within 24 hours whether Maj. Ray is liable to go before a court-martial or not." A day went by, two days and three days, and I heard nothing from the case, case, and I thought the War Department had decided that the case should take its natural course. I waited for three or four days and the inspector general had not completed his final report, and I had to go off on a short inspection trip, to inspect the celebrated coal mine that the Government had bought in the Philippine Islands. I came back and found the case not completed, and I then had to go back to the Moro Province.

Mr. BULKLEY. In the meantime who changed the order sending Maj. Ray away?

Gen. BLISS. I had a letter sent to him by the adjutant general directing him to remain in Manila pending the result of that investigation. I went back to the Moro Province, but kept my headquarters advised where I could be reached by telegraph. More than two weeks after my telegram to the War Department I received the next message, which was sent to me at Camp Overton, on the trail from the sea, going up to Camp Keithley, in the central part of the island of Mindanao; but before it was received there I had left and gone on to Zamboanga, and it was repeated to me at Zamboanga. I received it on the morning of the 1st of February, 1909.

The CHAIRMAN. May I interrupt you right there? In the meanwhile you had received this record that you have described—did the usual course of business require you to acknowledge that?

Gen. BLISS. I think it is likely, but I would not have any record of that.

The CHAIRMAN. As a matter of fact, did you make any acknowledgment of the receipt of that record?

Gen. BLISS. I can not remember, Mr. Helm. It was in the ordinary course of business and my adjutant general would do all of that work and would not say a word to me. It is purely a clerical function and I never would know unless it was received by me away from my own headquarters.

The CHAIRMAN. The regular order of business would have required acknowledgment of the receipt of this record by you?

Gen. BLISS. No; I do not think it would have been exactly natural to have acknowledged the receipt of it. I put the thing, within five minutes after I had read the papers, in the hands of the inspector general, and it continued there during all of that period and up to the 29th of January, when I was down in the Moro Province, and then I got a telegram—

Mr. BULKLEY (interposing). Who was the inspector general conducting that examination?

Gen. BLISS. Col. French, of the Inspector General's Department, and Col. French and myself had no difference of opinion as to the

merits of the case. This telegram was repeated to me, and I received it on the morning of the 1st of February, 1909; it was dated "Manila, January 31, 1909. Bliss, Camp Overton," and then there was a note to the operator: "If Gen. Bliss has left please repeat to him," and then follows the message, "Following cablegram received; quote. Washington, January 29. Col. Stephen C. Mills, Manila." Col. Mills was my chief of staff at the headquarters at Manila. "If Tasker H. Bliss is absent, communicate immediately with him and say my sending him January 13 relative to investigation and papers in case of Beecher B. Ray was not personal, but was sent by direction, and if it has not been complied with it should be at once. Bell. End quote. Please acknowledge. Mills."

The CHAIRMAN. Will you kindly put in the record who was Secretary of War at that date?

Gen. BLISS. Mr. Luke E. Wright. I can not tell exactly when he was Secretary of War, but I know he was Secretary of War during some of that time; I do not remember when he left the War Department, but I am quite sure he was still Secretary of War. As soon as I got that message my adjutant general—I had an adjutant general, of course, you understand, in Zamboanga and in Manila, when I was in charge there as division commander—acknowledged it in the following way: "Zamboanga, February 1, 1909. Col. Stephen C. Mills, Manila. Your telegram January 31 received. Bliss." But as I studied that telegram from Col. Mills, which he had repeated to me, it became evident to me that there was a message from the War Department to me of January 13 which I had never received. I could not recall it, no notes that I had with me indicated it, and all of this time I had been feeling assured that I was to be allowed to carry that case to conclusion. But immediately after sending the telegram acknowledging the receipt of the one from Mills, I sent another one on the same date: "Zamboanga, February 1, 1909. Mills, Chief of Staff, Manila. Your telegram transmitting Gen. Bell's message of January 29 received by me this morning. Gen. Bell mentions his message of January 13 about case of Beecher B. Ray. I have received no message of that date. Please repeat it to me at once. Bliss." I thought that it was barely possible that the message—

Mr. HINDS (interposing). Just one minute. That telegram is not in this book, is it; that is, Document No. 558, Sixty-second Congress, second session?

The CHAIRMAN. Yes, sir.

Mr. HINDS. The one you have just read?

The CHAIRMAN. The one of January 13 is there.

Gen. BLISS. This is February 1.

The CHAIRMAN. You will find it on page 146.

Gen. BLISS. Yes; it appears on page 146. This is the message sent from Manila to the War Department telling them that I evidently had not received all of these papers, and this is the message that was received in Manila after I had left on that first inspection trip, after January 13, and I thought it was possible that when I got back they failed to communicate it to me; that is why I asked to have it repeated. When that message got to Manila they looked over the records and found no record of that message of January 13 from Gen. Bell to me; they then communicated with the cable office and were informed that no such message had been received there.

Then they sent this telegram to the War Department that is printed in your pamphlet on page 146, telling them that that message had not been received and asking for it in full.

Gen. Bell, having received that telegram from Col. Mills asking him to repeat his missing message of January 13, sent this telegram, which was transmitted to me from Manila and received at Zamboanga on the 2d of February, 1909: "Manila, February 2, 1909. General Bliss, Zamboanga. Following cablegram repeated. Quote; Washington, February 1st. Col. Stephen C. Mills, Manila. Following is message of 13th referred to in message to you: Quote: Tasker H. Bliss. Reference your message to-day, return in envelope, addressed to me, marked confidential all papers to three cases mentioned. No further investigation necessary at present. Permit Beecher B. Ray proceed Honolulu, H. I., as ordered. Signed Bell. End quote." Then he went on in the same telegram to Col. Mills to say, knowing that I was absent from my own headquarters, "Take necessary action to get above message complied with, sending all evidence taken, with papers to me for further action here. Beecher B. Ray should proceed Honolulu without delay. Bell," and that was signed by Col. Mills and transmitted to me at Zamboanga.

Mr. MARTIN. Do you know why you did not get this telegram of January 13 originally?

Gen. BLISS. No, sir; I do not know. But I do not believe it was ever sent. I think it was dictated and then probably thrown on the desk of the Chief of Staff and mixed up with other papers. He may have seen it on his desk, but thought that it had gone, and that it was an office copy. I have no other explanation.

Mr. MARTIN. So far as you know, it was never received there?

Gen. BLISS. It was absolutely never received, because the cable office denied they ever received it, and it was never received at headquarters.

Mr. MARTIN. Is a complete and perfect record kept in the department of all such cables?

Gen. BLISS. I do not know what they do in the War Department. You can be sure that there is a very complete record kept out in Manila. These telegrams all came from the office of the Chief of Staff, but what facilities he may have for keeping records I do not know. If it had gone through the office of the adjutant general there would have been a record, and usually complete records are kept in all divisions of the department.

Mr. MARTIN. So there ought to be a record of the sending of that cablegram in the office of the Chief of Staff here in Washington?

Gen. BLISS. There ought to be one. I assume that if they have any method of keeping any records at all that no doubt it was recorded and intended to be kept, and if I had ever received it and had been informed that it had been an order and not merely a personal request, I would have obeyed it, just as I did two weeks later when I got it. When that was received, my records show, I have no doubt, that I telegraphed back to Manila to comply with the order.

Mr. HINDS. The telegram you have read of February 1, 1909, is quite different from the telegram in this book of February 1, 1909.

Gen. BLISS. Of course you understand that in working the code sometimes there will be a code word and the English phrase that corresponds to it, and there will be the next code word and the English

phrase just slightly different. This is what Gen. Bell said in his repeated message: "Tasker H. Bliss. Reference your message to-day, return in envelope addressed to me, marked confidential, all papers relating to three cases mentioned. No further investigation necessary at present. Permit Beecher B. Ray proceed Honolulu, H. I., as ordered. Signed, Bell."

Now, I understood, after I returned to Manila, that, of course, the papers all went back as they were ordered to go, and in order to complete the record, copies of all this correspondence were attached to the papers and sent to Washington, and from that time to this, except as the newspapers have indicated it, I have known nothing whatever about the papers.

The CHAIRMAN. Now, General, these papers that you have here, these original papers, are papers that would ordinarily constitute the records?

Gen. BLISS. No. Take, for instance, the very first telegram that I have here, and it is a type of all the rest of them—

The CHAIRMAN (interposing). What I want to know is why you have these in your possession and why they did not come to the War Office?

Gen. BLISS. They did go to the War Office; they went to the War Office with those records of the 1st or 2d day of February.

The CHAIRMAN. Do I understand that you have retained these as copies?

Gen. BLISS. To a certain extent, as copies. I will tell you exactly how I came to retain them. After I received my first telegram and I got back to Manila I threw it down on my desk and I sent my telegram after the conference with Gen. Mills, stating that that case would be settled without court-martial. As the case went along and I kept getting telegrams which referred to previous telegrams I kept a number of these things lying on my desk just like that [indicating], so that when a telegram was brought in to me I would know what it was about and would be able to connect it up with these. When I went out upon an inspection trip one of the last things I would do would be to gather up these telegrams and shove them in my pocket so that I would have them with me in case I received telegrams while away. Now, if the case had ended in a court-martial, as it would have if that last telegram had been delayed 24 hours longer, these papers would have gone into the waste basket. When the case was sent to Washington, I talked the matter over with The Adjutant General and the Inspector General and found that they had taken the precaution to keep copies of all these documents on the files, and it occurred to me that, as long as it was a pending case, it would be a good idea to keep those papers in order to have them to refresh my memory in case it became necessary to do so.

The CHAIRMAN. And you have had those in your possession ever since?

Gen. BLISS. Yes, sir.

The CHAIRMAN. I understand that you have a full and complete copy of them, which you will please leave with the committee.

Gen. BLISS. That is absolutely the copy, word for word, of everything I have.

The CHAIRMAN. When were you subpoenaed, General?

Gen. BLISS. To appear before the committee?

The CHAIRMAN. Yes.

Gen. BLISS. In my office at Fort Totten; I should say it was either Thursday morning or Friday morning, I have forgotten. I asked the gentleman who served the paper on me whether he wanted me to sign anything or date anything, and he said no, and he just delivered the summons; I think it was either Thursday or Friday.

The CHAIRMAN. What time of the day, General?

Gen. BLISS. I should say about 10 o'clock in the morning.

The CHAIRMAN (handing witness paper). I will ask you to examine that paper and give the date of it.

Gen. BLISS. This is dated in the city of Washington, the 19th day of February, 1912.

The CHAIRMAN. I mean the date of the officer's return.

Gen. BLISS (reading). "Delivering to him a true and certified"—I suppose the word "copy" should be there, but it is omitted—"a true and certified copy of the same at Fort Totten, N. Y., February 20, 1912."

The CHAIRMAN. You say that was served about 10 o'clock?

Gen. BLISS. I should say about 10 o'clock; I remember I got into my office about that time; I did not intend to go there at all that morning, because I was also on duty at Governors Island and had intended to go directly over there.

Mr. BULKLEY. February 20 was Tuesday; could it have been Tuesday that you got that paper?

Gen. BLISS. Well, I have nothing to go by; but I know it was three or four or five days ago; I have not anything to connect it with. I should say, on a rough guess, that it was about four days ago that it was delivered to me. This gentleman came into my office and when I went there he was sitting in the office of the adjutant general. The adjutant general said—I forget the gentleman's name, but I think he said White—"Mr. White wants to see you." I asked him to come in at once, and this gentleman came in and handed me this paper at my desk. He says here "served as commanded by reading," but he did not read it at all. I opened it and read it, saw what it was, and asked him if he wanted a receipt or any signature indicating that it was received. He said "no," and I said, "I am very much obliged; I will appear before the committee."

Mr. BULKLEY. Your recollection is not clear as to which day that was?

Gen. BLISS. No; I have absolutely nothing to go by.

The CHAIRMAN. That subpoena directed you to bring all papers, memorandums, and documents in relation to the Ray case that we have been discussing?

Gen. BLISS. Yes, sir.

The CHAIRMAN. Do you know whether the War Department, or anyone connected with the War Department, knew that you had been summoned?

Gen. BLISS. Nothing beyond the fact that in the afternoon of the same day, or the morning following—I can not recall which—I wrote the usual formal letter, which is on file here in the War Department, to The Adjutant General saying I had been summoned before this committee. I could not leave my command without the War Department knowing why I was away.

The CHAIRMAN. There was no telegraphic or telephonic communication?

Gen. BLISS. No; none whatever. I will send the committee a copy of my official letter; it was simply to report to them why I would be absent from my command.

The CHAIRMAN. In that letter did you convey the information that you were requested to bring such documents, papers, and memorandums?

Gen. BLISS. No, sir. I started to dictate a letter which would state everything that was in the summons, but I thought that was foolish, and I simply reported that "There was served on me this day, by special messenger of the Sergeant at Arms of the United States House of Representatives, a summons to appear before the Committee on Expenditures in the War Department at 10 o'clock on the morning of February 26, to give testimony in the case of Beecher B. Ray." That was, in substance, the wording, as nearly as I can now recall.

The CHAIRMAN. Do you know whether any one connected with the War Department was aware of the fact that you had the papers that you brought with you this morning?

Gen. BLISS. Only in this way, that when I came back from Manila in 1909, at the end of the month of June, of course the first thing I did was to call upon my friends in the War Department. The Adjutant General is one of my oldest friends, and naturally being anxious to know what became of these papers, I asked him if he had seen them. He said he had not; he then made some remark about having the papers returned to him, as he was the legal custodian of the records of the War Department, and that if they had disappeared there was a statute of the United States which imposed a severe penalty on anybody who was responsible for such disappearance. I said "I can not be held responsible, because I have in my possession a copy of the order upon which they were returned to the War Department." That is the only thing I can now recall and the only conversation which I had which would give anybody direct knowledge that I had any papers on the subject.

Mr. HINDS. Were the papers you talked about with Gen. Ainsworth the papers you just showed us, or do you mean the records?

Gen. BLISS. No, these papers. He said to me that if it could be proven that anybody had taken away an official record of the War Department there was a statute that would severely punish him, and I said I could not be held responsible because I had the order which directed their return to the War Department.

Mr. HINDS. Do you refer to the papers you thought of throwing into the waste basket?

Gen. BLISS. No; I knew that all of these were unofficial records, and I kept these as a reminder, as I told you a moment ago, if it ever should come up. But I never thought of having those for my protection in any way.

Mr. Warburton. I think you misunderstood Mr. Hinds's inquiry. The papers to which Gen. Ainsworth referred were the original charges and evidence.

Gen. BLISS. The papers I have been talking about were those returned to Washington, as ordered by the message of January 13.

Mr. HINDS. Relating to the steamboat-fare case?

Gen. BLISS. Yes, sir.

Mr. HINDS. Those papers related to that case?

Gen. BLISS. Yes.

Mr. DIFENDERFER. Did Gen. Ainsworth suggest that you keep these papers for your own protection?

Gen. BLISS. No; I do not think anything was said about that, and I did not think I would need them for my protection.

Mr. HINDS. He did not know about these?

Gen. BLISS. No; but I told him I had a copy of the order by which I was directed to return them to the War Department.

Mr. HINDS. These were not the papers he referred to when he said there was a penalty under the law?

Gen. BLISS. The papers he referred to were the papers I had sent back to the Secretary of War by the Chief of Staff's order.

Mr. HINDS. He did not refer to the papers you are showing to us?

Gen. BLISS. No; because they do not belong to anybody.

The CHAIRMAN. Do you know how long it was after you were subpoenaed until the papers or the records that you sent from Manila to Washington were discovered in the department?

Gen. BLISS. From my experience just now I would not like to commit myself to dates, but I remember it was after I was summoned, at least I am quite sure it was. I remember reading in a New York paper that somebody on this committee had stated that the missing records were not any longer of such great importance, inasmuch as they had certified copies of them, and the following day I saw it stated in the New York papers, almost immediately after that statement had been made, that the missing papers had appeared. That is all I know of it.

The CHAIRMAN. When did you arrive in Washington, General?

Gen. BLISS. You mean on this visit?

The CHAIRMAN. Yes.

Gen. BLISS. I arrived at 8.34 last night, on the Congressional Limited.

The CHAIRMAN. Have you conferred with anyone in the War Department since your arrival?

Gen. BLISS. Absolutely no one. I will not say with no one, but I mean with no one on this subject. I reported to the War Department to find out whether any troops of my command had been ordered to the Mexican border, to know how that situation stood. These have not been out of my possession nor have I talked about them.

The CHAIRMAN. You had not seen the published record of the papers that were supposed to have been lost?

Gen. BLISS. Do you refer to this [referring to Document No. 558]?

The CHAIRMAN. Yes.

Gen. BLISS. No, sir. You handed me a copy of it and that is the first I have seen of it; I have not even read it.

The CHAIRMAN. I believe you stated a moment ago that when the record was made and sent from the War Department in Washington, and indorsed by the Paymaster General, Gen. Whipple, and approved by the Judge Advocate General, that the charge was in the nature of a true bill against Maj. Ray, did you not?

Gen. BLISS. Yes, sir.

The CHAIRMAN. Upon the receipt of that charge you took steps forthwith to proceed with the investigation?

Gen. BLISS. As instructed by the Secretary of War; yes, sir.

The CHAIRMAN. Was there any other course that could have been pursued by you other than to proceed with the investigation of the charge?

Gen. BLISS. Absolutely none, except an improper course; I could have disobeyed the order, I suppose, and have gotten into trouble by it.

The CHAIRMAN. You have stated that the cablegram that was sent to you by the Chief of Staff was sent by direction?

Gen. BLISS. Yes, sir.

The CHAIRMAN. At whose direction was that sent, if you know?

Gen. BLISS. That means, of course, the Secretary of War, and yet those words did not appear. I think that when Gen. Bell, as time passed on after the 13th of January—and I informed him that this case would probably go to court-martial, and he sent me the telegram which was never received—found that Maj. Ray was not on his way to Honolulu, and that the investigation was not suspended as he had ordered, decided to look at his order to see why the division commander was not obeying it, and as he studied it he probably said, "Gen. Bliss is probably holding up on this because he has before him the original directions to continue the investigation and take such disciplinary measures as may be necessary." That is about the way the instructions of the Secretary of War read, or the way I remember it. And Gen. Bell probably said to himself, "Well, I have not put on there 'By direction of the Secretary of War,' and the division commander interprets that as not being valid against the order of the Secretary of War—in other words, that I am personally trying to revoke the order of the Secretary of War."

So he sends me that message through my Chief of Staff, "My message was not personal but was by direction." And that revealed the fact that I had never received the message, as I have already explained to you. And when I did get this message, saying that the order was given by direction I had nothing else to do; it was by direction of the Secretary of War, and I returned the papers; but if I had gotten that message 24 hours later I think Maj. Ray would have been before a court-martial, because I discovered when I got back to Manila that the case had been fully completed, with a recommendation on the part of the Inspector General to that effect. If you have the papers—I have never seen them—you will find out that he would have gone before a court-martial.

Mr. MARTIN. You stated a while ago that the Chief of Staff was only the mouthpiece of the Secretary of War?

Gen. BLISS. Yes, sir.

Mr. MARTIN. Now, why should Gen. Bell assume that you might have interpreted an order from him to be personal rather than from the Secretary of War?

Gen. BLISS. Because when he looked at his telegram and saw that the words "by direction" were not in it, and knew that I had in my possession an unquestioned order of the Secretary of War, and putting the two together, he may have said, "Gen. Bliss is not obeying this order because I have omitted"—through haste or whatever it may have been—"to put on the usual words 'by direction.'" If he

is giving me a positive, formal order, he has to say "by direction of the Secretary of War."

Mr. HINDS. Did not his telegram of January 13 say to you "send direct to me personally all papers"? Might that not have been the reason why he put that on?

Gen. BLISS. That may be true. At any rate, he saw I was not obeying that order. If I had received that order on the 13th, I think I would have telegraphed and asked whether that was an order, in view of the fact that I had another unquestioned order of the Secretary of War before me.

The CHAIRMAN. Is there any statute, rule, or regulation of the War Department, where a set of facts have been presented in the manner in which this record came to you in Manila touching Maj. Beecher B. Ray, and upon which you said you would have forthwith ordered a court-martial, that requires you to take such steps?

Gen. BLISS. You mean to continue taking such steps, even if I should receive an order to cease taking them?

The CHAIRMAN. I want to know whether there is any law, rule, or regulation of the War Department, where a charge is made—an indictment you may term it—against a man such as the charge made against Maj. Ray, that requires such charge to be investigated.

Gen. BLISS. No; there is no law, sir, at all, that I know of. The general rule, under military law, is that whoever is authorized to order a court-martial can suspend it or dissolve it at any time.

Mr. HINDS. The Secretary of War can do that?

Gen. BLISS. Yes, sir. Of course he does it on his own responsibility; if it is a wrong thing to do, and the question is raised, he may get into trouble, but in the administration of military discipline whoever has authority to order a court-martial has full control and may order that it proceed to conclusion or not. I myself, as department commander, may hear some story about an officer or enlisted man and I can say to the inspector general, "Take this charge and investigate it." Now, it is entirely within my discretion to continue the investigation or not. I have full power to do it if I want to. I do not care what may have developed in the course of his investigation—although I take upon myself the responsibility for it and may lose my commission for doing it—I can direct that further proceedings be stopped. I can give the order to make the investigation, and I can give an order to stop it.

The CHAIRMAN. There is no penalty for stopping a court-martial when it has advanced to a stage where the charge—

Gen. BLISS (interposing). The records will show you cases where a court-martial has been ordered, where the court has been sworn, the officer has been arraigned, witnesses have been introduced, and all of a sudden an order has come from the President of the United States to dissolve that court and return the officer to duty. I do not know of any such cases since the Civil War, but there were then a good many cases, as you know, where arbitrary action was taken. But I never heard it questioned that the President had the power to do such a thing.

The CHAIRMAN. Do you know of any case that parallels this case?

Gen. BLISS. No; I can not recall any.

The CHAIRMAN. And you have been in the service how long?

Gen. BLISS. Thirty-seven years.

Mr. BULKLEY. Is there anything unusual in the request of the Chief of Staff that the papers be sent to him in an envelope marked "Personal and confidential"?

Gen. BLISS. Well, it was unusual as far as my experience went; but my experience in a command where I had to deal directly with the Secretary of War's office has been very limited. I had been in Manila three months and this arose immediately after I took my office and never happened again; so I do not know whether it is unusual or not.

Mr. BULKLEY. You never had any experience at any other time?

Gen. BLISS. No, Sir; I can not recall ever having had it.

Mr. HINDS. General, this order would have come from the Secretary of War if not from the President?

Gen. BLISS. Which order? To return those papers and not to go on with the court-martial?

Mr. HINDS. Or from Gen. Bell?

Gen. BLISS. No; I would have obeyed it if I had seen it came from Gen. Bell. I knew that Gen. Bell was the mouthpiece of the Secretary of War and if he had sent me a message to do something with the records, unless I knew it was perfectly illegal, or something of that kind, I would obey the order, knowing he is the mouthpiece of the Secretary of War; and in this case he had positively stated he sent it by direction.

Mr. BULKLEY. And you say the Secretary of War was the only man who could give such direction?

Gen. BLISS. Well, the Secretary of War is the only official; under the new system of administration in the Army, since the abolition of the old commanding general and the creation of the General Staff, nobody can give an order to the Army except the Secretary of War.

Mr. BULKLEY. So that if the words "by direction" are used they must mean by direction of the Secretary of War?

Gen. BLISS. Yes, sir.

Mr. WARBURTON. When these papers relating to the ticket matter, which was under investigation, were ordered returned, that would not necessarily conclude the court-martial; the court-martial might have been held in Honolulu or in Washington?

Gen. BLISS. Yes, sir. The orders said, if I remember correctly, "for further action here." New evidence might have been discovered and it might have been necessary to carry the case further here, but I do not think that was the reason, because I knew that they had all the evidence necessary for a court-martial right in Manila.

Mr. WARBURTON. But the sending of Maj. Ray to Honolulu or Washington would not necessarily discontinue the court-martial?

Gen. BLISS. No, sir. Those papers might have been held for the next 10 years in the War Department and the case ordered up, all of a sudden, if the statute of limitations did not apply. Of course, that would have been an outrageous thing to do, to hold the case until a man's witnesses are dead or gone. But the Secretary of War, or any competent authority, could have retained those papers.

Mr. SPEER. For my information, who was Secretary of War at that time?

Gen. BLISS. I am quite sure it was Mr. Luke E. Wright. I know he was Secretary of War when the case began, but I do not know when he left the War Department.

The CHAIRMAN. To whom did you send these records from Manila?

Gen. BLISS. They were sent in my absence; my adjutant general sent them to the Chief of Staff in Washington.

The CHAIRMAN. What would have been the usual course for him to have followed with these papers and records?

Gen. BLISS. If we had received an order to return all papers in this case, or in any case, to the War Department they would have gone to The Adjutant General; The Adjutant General is the general medium of communication between the Army and the War Department.

The CHAIRMAN. I understood you to say, however, that they were sent to the Chief of Staff?

Gen. BLISS. Because the Chief of Staff, acting for the Secretary of War, so ordered. The Secretary of War can say to me at any time, "You send a communication direct to me; I have got special reasons for wanting it sent to me direct and do not want the contents to be known by anybody," and I have got to obey. The usual course would have been for me to have transferred the records to The Adjutant General, and whenever the Secretary of War got through with them they would have gone to The Adjutant General.

The CHAIRMAN. You say the records would finally lodge there?

Gen. BLISS. When everybody was through with them they would have gone to The Adjutant General, because he is the custodian of all the records of the War Department that I know of. I would like to state that I do not know whether the Secretary of War has in his office a place for filing records, in addition to the office of The Adjutant General. I do not know about that, but as a rule, and as far as I know, the records of the War Department are kept by The Adjutant General.

Mr. HINDS. Do you know how long Gen. Wright continued as Secretary of War?

Gen. BLISS. No, sir; I can not remember. My last personal acquaintance with him was when he was governor of the Philippine Islands.

Mr. HINDS. Do you know whether he continued into the present administration? He was appointed under the former administration, was he not?

Gen. BLISS. Well, I can not tell, sir. That must be a matter of record.

Mr. HINDS. That must be so, because this was in 1909.

Gen. BLISS. I could not recall; I never had occasion to address a letter to him. But my general recollection is that he was Secretary of War after Mr. Taft became a candidate for the Presidency. My recollection is that Mr. Taft resigned his position as Secretary of War—I was in the Philippines at the time—and I think Mr. Wright was appointed; but I do not know.

Mr. HINDS. And this was after the election and before a new administration came in?

Gen. BLISS. Yes; just before Mr. Taft assumed office as President.

Mr. HINDS. Do you know how long Gen. Wright continued in that office?

Gen. BLISS. No, sir; I do not know. I have had no occasion to recall it at all.

The CHAIRMAN. I think I understood you to say that these papers were sent to the Chief of Staff and not to the Secretary, and that the envelope was marked "confidential and personal."

Gen. BLISS. They were not sent and marked "personal" to the extent that they were sent by anybody who had to pay postage on them; it was official business and everybody knew it; they went in an official envelope, but they were addressed, I have no doubt—I was many miles away and did not see the envelope—to the Chief of Staff, United States Army, War Department, Washington, D. C., and in one corner was put the word "confidential."

The CHAIRMAN. And I further understood you to say that in the usual course you would have transmitted the papers to The Adjutant General?

Gen. BLISS. If we had no order to do anything else they would have gone in that way.

Mr. WARBURTON. But the papers that were returned in this case were directed to the Chief of Staff at Washington?

Gen. BLISS. The papers that were actually returned were returned directly to the Chief of Staff.

Mr. WARBURTON. But you are not certain in your mind whether they were marked "confidential" or not?

Gen. BLISS. No, sir; but I have no doubt whatever it was done.

Mr. WARBURTON. That would have been the natural thing to do, I presume?

Gen. BLISS. Yes, sir, in view of the order that had been received.

Mr. WARBURTON. You said it would have been done because it was the ordinary course to pursue; now, if the papers had been directed to The Adjutant General would the envelope have been marked "confidential"?

Gen. BLISS. No.

Mr. WARBURTON. What I am getting at is this: Those papers were ordered returned; now, in the ordinary course of your procedure would they be directed to the Chief of Staff, and in the ordinary course of procedure would they be marked "confidential"?

Gen. BLISS. No, sir; I would not have put "confidential" on them and my adjutant general would not have marked "confidential" on them.

Mr. WARBURTON. And the reason it was put on the envelope in this case was that this message directed that the papers be sent personal and confidential?

Gen. BLISS. The dispatch directed it to be done.

Mr. WARBURTON. I had forgotten that. What telegram is that?

Gen. BLISS. That is the one in this series that is marked "No. 13."

Mr. HINDS. Dated January 13?

Gen. BLISS. No; No. 13.

Mr. HINDS. What is the date of it?

Gen. BLISS. January 13. It is the one which reads, "Tasker H. Bliss. Reference your message to-day, return in envelope addressed to me, marked confidential, all papers relating to these cases mentioned. No further investigation necessary at present."

Mr. HINDS. That message of the 13th reads a little differently from what it does in our print. Our print says, "Send direct to me personally," and your copy reads, "Return in envelope addressed to me, marked 'confidential,'" and so forth.

Gen. BLISS. I do not know why your telegram should read differently.

Mr. HINDS. It reads a little differently from yours.

Gen. BLISS. That is the missing telegram which Bell repeats.

Mr. HINDS. And in yours the diction is a little different from ours?

Gen. BLISS. Yes, sir.

Mr. BULKLEY. Was that a cipher message?

Gen. BLISS. It was a mixture of cipher and English.

Mr. HINDS. As a matter of fact, your cipher is not accurate enough to say that every word put in it here and translated by the receiver will come out in the same form?

Gen. BLISS. I can not see why it should not come out the same; I think we have not got the same telegram. However, the cipher might be, "Reference your telegram," and the man who writes out that translation might say, "With reference to your telegram." He might write out the full obvious meaning of it, "With reference to your telegram," and so forth. But with the exception of changes like that, I do not see why two people would not translate it the same.

Mr. HINDS. In the one printed in the book it says, "Send direct to me personally all papers," and in yours it says, "Return in envelope addressed to me, marked confidential." Now, is there not something in your cipher that would perhaps account for that change?

Gen. BLISS. No, sir; I want to look at your telegram here in order to see.

Mr. WARBURTON. It is more specific in his telegram than it is in the printed one.

Gen. BLISS. That is the translation, I will guarantee, of the message delivered to me in Zamboanga.

Mr. WARBURTON. Where is Gen. Bell now?

Gen. BLISS. He is in command of the Philippine Division.

Mr. WARBURTON. He is in Manila?

Gen. BLISS. Yes, sir.

Mr. BULKLEY. Suppose he had simply sent you an order to return till papers instead of qualifying it by saying to send them in an envelope marked personal or confidential, would you have returned them to the Chief of Staff or to The Adjutant General?

Gen. BLISS. I would have turned them over to my adjutant general and he would have sent them, or had his chief clerk send them, to The Adjutant General, and he would have probably used an envelope on which there was a printed address; they unquestionably would have gone to The Adjutant General.

Mr. HINDS. There were two other cases with this Ray case?

Gen. BLISS. There were two cases, as I recall, in connection with the case of Maj. Ray, completed in the United States before the papers were returned to me; those cases were on account of some statement he made to the inspector in explanation of what he was alleged to have done; he said he knew that other people had done the same things and named these two men, and about the time the Ray papers were returned to me to complete the investigation and take proper action I was told to investigate those two cases, Ray's charges against those men. When the Ray papers came back from Washington, in order to explain why I would not send Ray to Honolulu, in compliance with these previous orders, I said the three cases

could not be separated and that they would have to be investigated together.

The CHAIRMAN. When you received that bundle of papers, and after you had reviewed the case as presented in those papers, you concluded that there was sufficient evidence in those papers to court-martial Maj. Ray, did you not?

Gen. BLISS. I never had any doubt, five minutes after I saw the papers, that a court-martial was due him.

The CHAIRMAN. There was no question about that?

Gen. BLISS. No, sir; and I never saw an officer who saw the papers who had any other opinion or who expressed any other opinion.

The CHAIRMAN. Have you ever thought there might have been some reason for the withdrawal of that case?

Gen. BLISS. I might have thought so, but it was none of my business.

The CHAIRMAN. But you did believe there was sufficient evidence with which to hold a court-martial?

Gen. BLISS. Yes, sir; it was a matter of a difference of opinion between somebody else and myself. I might think that a man should be tried by court-martial and another man would think such a course outrageous. You asked me for my opinion, and my opinion is that there should have been a court-martial upon the evidence.

Mr. SPEER. Does it not frequently happen that if charges are made against officers some persons may think that a court-martial should not be held on account of the situation?

Gen. BLISS. On account of what situation?

Mr. SPEER. And does it not happen that sometimes they are not court-martialed where officers think they should be?

Gen. BLISS. It sometimes happens that men think he should be tried and others think he should not.

Mr. DEFENDERFER. If he falsifies the record, you think that is sufficient evidence, do you not?

Gen. BLISS. Well, what I mean is this: Things had got to such a point in this case that I thought it was due to the Government on the one side and to Maj. Ray on the other that a court-martial should settle that case, that there was nobody except witnesses upon cross-examination who could prove the truth. As the case stood, it had been openly charged that the man had falsified vouchers; and that being the case, there was only one way to straighten the man's record and put him right before the department. If I had been Maj. Ray, and denied it, that is the first thing I would have desired—a court-martial.

Mr. DEFENDERFER. In order to clear his own skirts?

Gen. BLISS. Yes, sir.

The CHAIRMAN. General, have you ever had any communication with Gen. Bell either directly or indirectly concerning this matter?

Gen. BLISS. No, sir; not a single word has ever passed between us. When I came back from the Philippine Islands I was placed on duty for sometime in command of the Army War College.

The CHAIRMAN. Have you received any information from any source as to why this unusual order was sent?

Gen. BLISS. No, sir. I have gossiped, you might say, with men like Gen. Whipple, and older officers about the War Department, and I have expressed a little surprise that when charges were made against a man in such an important position that he was not tried and that the papers were ordered to be returned and the case stopped; but why it was done I do not know.

The CHAIRMAN. You have no information as to the underlying reason for this order?

Gen. BLISS. None whatever; no, sir.

Mr. HINDS. Was Secretary Wright a professional soldier?

Gen. BLISS. My recollection is that I have heard he was; that he said he was a sergeant or a junior officer in the Confederate service at one time during the war.

Mr. HINDS. In other words, he had not been a high administrative officer in the Army?

Gen. BLISS. Not that I know of.

Mr. HINDS. And not so fully alive to the requirements of discipline in a case of this sort?

Gen. BLISS. Not unless he had investigated the papers; if he had done that I think he would have been alive to it.

Mr. HINDS. He had been long in civil life after his service?

Gen. BLISS. Yes, sir; I think he was called Gen. Wright because he was Governor General of the Philippine Islands.

Mr. HINDS. And in the great multitude of business it does not follow that he brought his mind to this case with continuous application, does it?

Gen. BLISS. Judging from what I know about the War Department work—and I have been there in various capacities—I should say that when that case came to the Secretary's office any sensible officer who looked at it would say, "This is a case of routine procedure and I see no reason to depart from it." If I were Secretary of War and an officer bothered me with a case of this sort and did not know what my views would be on such a case, I think I would get rid of him, because my time would be too valuable to be taken up in that way. I think it is likely the Secretary of War never saw these papers; but I do not know.

The CHAIRMAN. But you think it likely that if he had seen them he would have recognized and appreciated the gravity of that charge, do you not?

Gen. BLISS. I think he would have put on the very indorsement that was put on it; and if I were acting for him I would have put that indorsement on it, because I know he would have been satisfied.

Mr. WARBURTON. Who was Chief of Staff at that time?

Gen. BLISS. Gen. Bell, and Col. Mills was my chief of staff.

Mr. WARBURTON. How long did Gen. Bell remain Chief of Staff?

Gen. BLISS. He was relieved on the expiration of his four years' tour in the month of April, 1910; I do not remember the exact date; and Gen. Wood succeeded him.

The CHAIRMAN. I will ask you to kindly furnish the committee with a copy of the letter you wrote to the department after being summoned.

Gen. BLISS. Yes, sir; I will.

HEADQUARTERS EASTERN DIVISION, GOVERNORS ISLAND,
New York City, February 20, 1912.

THE ADJUTANT GENERAL OF THE ARMY,
Washington, D. C.

SIR: I have the honor to report that a special messenger of the Sergeant at Arms of the House of Representatives of the United States Congress served upon me in my office to-day a summons from the Committee on Expenditures in the War Department to appear before that committee on Monday, February 26, 1912, at 10 o'clock a. m., to give testimony in the case of Maj. Beecher B. Ray, paymaster, United States Army.

Very respectfully,

TASKER H. BLISS,
Brigadier General, United States Army, Commanding.

A true copy.

TASKER H. BLISS,
Brigadier General, United States Army.

The CHAIRMAN. I believe you have stated you have no information, direct or indirect, either from Gen. Bell or any other person, as to the underlying reason for the unusual order that was sent by Gen. Bell, proceeding from the Secretary of War, to return the record in the Ray case in the unusual manner it was returned to the department at Washington?

Gen. BLISS. None whatever; I never had any conversation with Gen. Bell.

The CHAIRMAN. Or with anyone else?

Gen. BLISS. No, sir.

Thereupon the committee adjourned.

EXPENDITURES IN THE WAR DEPARTMENT.

SUBCOMMITTEE No. 1 OF THE COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, HOUSE OF REPRESENTATIVES, *Saturday, March 9, 1912.*

The subcommittee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

STATEMENT OF MAJ. GEN. WILLIAM H. CARTER, GENERAL STAFF CORPS, UNITED STATES ARMY.

The CHAIRMAN. General, please state your name?

Gen. CARTER. William H. Carter.

The CHAIRMAN. What is your rank and office?

Gen. CARTER. Major general in the United States Army.

The CHAIRMAN. Where are you stationed?

Gen. CARTER. At the War Department, Washington, D. C., as a member of the General Staff.

The CHAIRMAN. In the absence of the Chief of Staff, you are the Acting Chief of Staff, are you not?

Gen. CARTER. Yes.

The CHAIRMAN. Within the last two or three months, you have acted as Chief of Staff how often, General?

Gen. CARTER. I have not acted as Chief of Staff, except for a few days, since Gen. Wood made his trip out West in the early autumn.

The CHAIRMAN. Were you the acting Chief of Staff at the time that Maj. Beecher B. Ray, of the Pay Department, then stationed at Atlanta, Ga., was ordered transferred to New York?

Gen. CARTER. Yes.

The CHAIRMAN. What connection, if any, did you have with the order making such transfer?

Gen. CARTER. As acting Chief of Staff, I directed The Adjutant General to issue the order in the name of the Secretary of War, on the recommendation of the Paymaster General, who designates the stations of the officers of his corps.

The CHAIRMAN. Do you mean that the Secretary of War directed you to direct the Paymaster General—

Gen. CARTER (interposing). No; the order was made out in the name of the Secretary of War. The Chief of Staff issues all routine orders in the name of the Secretary of War.

Mr. MARTIN. And the order was issued upon the recommendation of the Paymaster General?

Gen. CARTER. Yes. He makes the recommendation for the assignment of all the officers of his corps.

The CHAIRMAN. Do I understand that the Paymaster General has that authority?

Gen. CARTER. Changes in the stations of paymasters are made ordinarily upon the recommendation of the Paymaster General, just the same as in other bureaus.

The CHAIRMAN. At the time you have referred to, I believe you stated that the Secretary of War was absent from Washington?

Gen. CARTER. Yes.

The CHAIRMAN. Where was he at that time?

Gen. CARTER. He was on a trip inspecting posts in the West, in Arizona, New Mexico, and Texas, and the Assistant Secretary of War was acting in his stead.

The CHAIRMAN. At the time you made this order, did you have any conference with the President of the United States?

Gen. CARTER. I did not.

The CHAIRMAN. An order was first made for Maj. Ray to report to New York for service in the Pay Department, was it not?

Gen. CARTER. Yes.

The CHAIRMAN. And he was subsequently ordered to Chicago?

Gen. CARTER. Yes.

The CHAIRMAN. Who gave that order?

Gen. CARTER. I did.

The CHAIRMAN. Why was the order changing Maj. Ray from New York to Chicago made?

Gen. CARTER. It was made at the solicitation of some of his friends at the White House, to the effect that his wife had been operated upon very successfully in Chicago by some physician, and had progressed under his care, and that Maj. Ray was very solicitous to have her returned to the same conditions so that she might recover her health.

The CHAIRMAN. You state that the order was made at the solicitation of some friends of Maj. Ray at the White House?

Gen. CARTER. Yes.

The CHAIRMAN. Were those solicitations made to you?

Gen. CARTER. No; they were communicated to me by telephone from the White House. One of the subordinates, I think it was Mr. Hilles, communicated it. I know I had a telephone conversation with Mr. Hilles.

The CHAIRMAN. State the substance of that conversation as nearly as you can.

Gen. CARTER. What I have stated is about the substance of it. A call was made for me by phone from the White House; I was then informed that Maj. Ray or some of his friends had made the statement, which I have just made, to the President, and that if there was no complication to prevent the granting of Maj. Ray's request, he would like to have the order changed so as to send him to Chicago.

The CHAIRMAN. Referring to the conversation with Mr. Hilles, the President's secretary, does the President's secretary exercise the authority of making such requests as you have indicated?

Gen. CARTER. Do you mean the Secretary to the President?

The CHAIRMAN. Yes, sir.

Gen. CARTER. The Secretary to the President is the one who ordinarily communicates everything of that nature to the War Department.

The CHAIRMAN. What I am trying to get at is this: Has the Secretary to the President that right or authority?

Gen. CARTER. No, sir; no right or authority to give orders; not at all. He communicates the wishes of the President, and we assume that any communication from there is by the direction of the President, and is usually so stated.

The CHAIRMAN. In other words, this order to change Maj. Ray's station from New York to Chicago was made at the request of the President of the United States?

Gen. CARTER. It was based on a request made to the President by the friends of Maj. Ray.

The CHAIRMAN. Do you know who made this request that you refer to?

Gen. CARTER. I do not; possibly it was by the major himself.

Mr. BULKLEY. Do you interpret such a communication as that from the White House as an order to you from the President, as Commander in Chief of the Army?

Gen. CARTER. No. The President said so long as Maj. Ray desired this station, in order that his wife could enter a particular hospital, if it could be done without serious interference with the service, the President would like to have it done. That was the sense of the telephone message I received.

Mr. BULKLEY. So he still left some discretion with you in the matter?

Gen. CARTER. I referred it at once to the Paymaster General, to know if it would be practicable to meet the wishes of the President, and that if there were no serious obstructions in the way, it was to be done. He then came to my office and arranged for the transfer. As these two paymasters were both to change stations, it did not make any difference to the War Department where they went.

Mr. BULKLEY. When you referred the matter to the Paymaster General, did you do so in writing or verbally?

Gen. CARTER. I think I called him to my office on the telephone. I think Gen. Whipple came to my room. This was some months ago, but that is my recollection.

Mr. MARTIN. You are both in the same building, are you not?

Gen. CARTER. Yes.

Mr. BULKLEY. Gen. Whipple testified that it was ordered by you that Maj. Ray be transferred to Chicago. That is his evidence.

Gen. CARTER. I do not know that I ordered him. I directed The Adjutant General, in the name of the Secretary of War, to issue the order.

Mr. BULKLEY. He says you ordered him.

Gen. CARTER. I conveyed to him the President's wish, which is practically an order, the President being Commander in Chief.

Mr. BULKLEY. Do you say that is practically an order?

Gen. CARTER. Yes, sir; it is always so, with the reservation that it is not illegal or does not direct something that can not be done.

The CHAIRMAN. Do you know, General, whether an operation of any kind has been performed upon Maj. Ray's wife?

Gen. CARTER. I do not.

The CHAIRMAN. I will ask you to define the duties and scope of authority of the Chief of Staff.

Gen. CARTER. The Chief of Staff is the adviser of the Secretary of War and issues the routine orders in his name. He supervises the bureaus of the War Department and coordinates them whenever

there is any difference of opinion as to the performance of any public duty.

The CHAIRMAN. Will you kindly insert in the record the law, or cite the committee to the act, defining the duties and scope of authority of that officer?

Gen. CARTER. The act of February 14, 1903, known as the General Staff act, prescribes:

AN ACT To increase the efficiency of the Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a General Staff Corps, to be composed of officers detailed from the Army at large, under such rules as may be prescribed by the President.

Sec. 2. That the duties of the General Staff Corps shall be to prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coordinating the action of all the different officers who are subject under the terms of this act to the supervision of the Chief of Staff; and to perform such other military duties not otherwise assigned by law as may be from time to time prescribed by the President.

Sec. 3. That the General Staff Corps shall consist of one Chief of Staff and two general officers, all to be detailed by the President from officers of the Army at large not below the grade of brigadier general; four colonels, six lieutenant colonels, and twelve majors, to be detailed from the corresponding grades in the Army at large, under such rules for selection as the President may prescribe; twenty captains, to be detailed from officers of the Army at large of the grades of captain or first lieutenant, who while so serving shall have the rank, pay, and allowances of captain mounted. All officers detailed in the General Staff Corps shall be detailed therein for periods of four years, unless sooner relieved. While serving in the General Staff Corps, officers may be temporarily assigned to duty with any branch of the Army. Upon being relieved from duty in the General Staff Corps, officers shall return to the branch of the Army in which they hold permanent commission, and no officer shall be eligible to a further detail in the General Staff Corps until he shall have served two years with the branch of the Army in which commissioned, except in case of emergency or in time of war.

Sec. 4. That the Chief of Staff, under the direction of the President or of the Secretary of War, under the direction of the President, shall have supervision of all troops of the line and of The Adjutant General's, Inspector General's, Judge Advocate's, Quartermaster's, Subsistence, Medical, Pay, and Ordnance Departments, the Corps of Engineers, and the Signal Corps, and shall perform such other military duties not otherwise assigned by law as may be assigned to him by the President. Duties now prescribed by statute for the Commanding General of the Army as a member of the Board of Ordnance and Fortification and of the Board of Commissioners of the Soldiers' Home shall be performed by the Chief of Staff or other officer designated by the President. Acts and parts of acts authorizing aids-de-camp and military secretaries shall not apply to general officers of the General Staff Corps.

Sec. 5. That the Chief of Artillery shall hereafter serve as an additional member of the General Staff and by and with the advice and consent of the Senate shall have the rank, pay, and allowances of brigadier general, and when the next vacancy occurs in the office of brigadier general of the line it shall not be filled, and thereafter the number of brigadier generals of the line exclusive of the Chief of Artillery, shall not exceed fourteen; and the provisions of the foregoing sections of this act shall take effect August fifteenth, nineteen hundred and three.

Approved, February 14, 1903.

The CHAIRMAN. The Chief of Staff, as I understand you, has no authority to issue orders except on the authority of the Secretary of War?

Gen. CARTER. That is all. He issues them in the name of the Secretary of War. The regulations provide that the Secretary of War may confide to the Chief of Staff the performance of certain duties without coming to him each day; that is, giving him general author-

ity. This is exercised every day by the Chief of Staff in issuing the ordinary routine orders of the Army.

The CHAIRMAN. Does anyone else connected with the service have the right or the authority to direct and control the action of the Chief of Staff other than the Secretary of War?

Gen. CARTER. Yes; the law provides that the President or the Secretary of War—

The CHAIRMAN (interposing). Then, when the Chief of Staff issues an order by direction it must be either by the direction of the Secretary of War or of the President of the United States?

Gen. CARTER. I assume that the President of the United States and the Secretary of War do not have any concern with one order out of one hundred that are issued on routine matters by the Chief of Staff. It is only important matters that are laid before them. The business is regulated by a general order of the War Department, in part as follows:

GENERAL ORDERS, }
No. 68.

WAR DEPARTMENT,
Washington, May 26, 1911.

The following compilation and condensation of existing law, regulations, and orders relating to the General Staff Corps is published to the Army for the information and guidance of all concerned:

CHIEF OF STAFF.

1. The Chief of Staff will act as the military adviser to the Secretary of War, and will keep him informed on all military matters relating to the Regular Army, and also on all such relating to the militia as are within the purview of the War Department. The Chief of Staff reports to the Secretary of War, receives from him the directions and orders given in behalf of the President, and gives effect thereto in the manner hereinafter provided.

Exceptions to this ordinary course of administration may, however, be made at any time if the President sees fit to call upon the Chief of Staff to give information or advice, or receive instructions, directly.

2. He will issue, through The Adjutant General of the Army, all orders and instructions of the Secretary of War affecting the Regular Army and the Organized Militia when called into the service of the United States; and through the Chief of the Division of Militia Affairs all those affecting the Organized Militia not in the service of the United States.

3. He will, under the direction of the Secretary of War, supervise all staff departments and corps, all troops of the line and staff, and all other matters pertaining to the military establishment of the Regular Army, and all matters relating to the militia, arising in the execution of acts of Congress and Executive regulations made in pursuance thereof, and will perform such other military duties as may be assigned to him by the President. In the performance of these duties the Chief of Staff will, under authority of the Secretary of War, call for information, make investigations, issue instructions, and exercise all other functions necessary to secure proper harmony and efficiency of action upon the part of those under his supervision. The supervisory power vested by statute in the Chief of Staff covers primarily duties pertaining to the command, discipline, training, and recruitment of the Army, military operations, distribution of troops, inspections, armaments, fortifications, military education and instruction, including the Military Academy and all service schools, and kindred matters, but includes also in an advisory capacity such duties connected with fiscal administration and supply as are committed to him by the Secretary of War. All proposed legal enactments affecting the Army and estimates for appropriations for its support will be submitted to the Chief of Staff for the consideration of the Secretary of War. In order that the Chief of Staff may effectively exercise the coordinating and supervisory authority vested in him by statute, the annual reports of division and department commanders and bureau chiefs, as well as the annual reports of the Superintendent of the Military Academy, the service schools, and other subordinate commanders, will be submitted to him for the consideration of the Secretary of War prior to publication.

For purposes of administration the office of the Chief of Staff will constitute a supervising military bureau of the War Department.

4. In case of absence or disability of the Chief of Staff, the senior assistant to the Chief of Staff present for duty will act as chief.

5. The detail of a Chief of Staff will in every case cease, unless sooner terminated, on the day following the expiration of the term of service of the President by whom the detail was made; and if at any time the Chief of Staff considers that he can no longer sustain toward the President and the Secretary of War a relation of absolute confidence and personal accord and sympathy he will apply to be relieved.

THE OFFICE OF THE CHIEF OF STAFF.

6. The Chief of Staff is authorized a secretary, to be selected from the General Staff Corps, and will arrange his office in four divisions, as follows:

- (a) The Mobile Army Division.
- (b) The Coast Artillery Division.
- (c) The Division of Militia Affairs.
- (d) The War College Division.

7. Two general officers of the General Staff, detailed by the President from the general officers of the Army, and the Chief of Coast Artillery and the Chief of the Division of Militia Affairs, who shall be a general officer, will be designated as assistants to the Chief of Staff, and will be placed in charge of the Mobile Army Division, the War College Division, the Coast Artillery Division, and the Division of Militia Affairs, respectively. The Chief of the Coast Artillery Division and the Chief of the Division of Militia Affairs shall be additional members of the General Staff.

8.¹ All communications relating to business arising in the Army, or concerning the Army, which are referred to The Adjutant General for the action of superior authority, and which do not come within the jurisdiction of chiefs of bureaus, and all communications relating to business concerning the Army emanating from the bureaus of the War Department requiring the action of higher authority, will be submitted to the Chief of Staff.

9. All papers on important matters, such as those affecting military policy or relating to the expenditure of funds, referred to an assistant to the Chief of Staff for remark and recommendation, will be presented by him in person to the Chief of Staff, with a memorandum in each case giving his views and recommendations thereon. All papers on ordinary routine matters so referred will be returned directly to the secretary of the Chief of Staff, with a like memorandum giving the views and recommendations of the assistant concerned.

10. Whenever, in the consideration of a matter referred to him, as assistant to the Chief of Staff finds it necessary or advisable, before submitting his recommendation thereon, to cause its reference or return to The Adjutant General of the Army, or to any bureau chief, or to a military authority within or without the War Department, for information of for any intermediate action whatever, the assistant to the Chief of Staff, acting for him and by his authority, is authorized to indicate by memorandum to The Adjutant General of the Army, or to the bureau chief or military authority, the appropriate action desired, and the action of the assistant to the Chief of Staff on all business of this character will be accepted as the action of the Chief of Staff.

11. All papers involving questions of general policy, the establishment or reversal of precedents, or matters of special or extraordinary importance will be submitted by the Chief of Staff in person to the Secretary of War; such papers as the Secretary of War may direct will be submitted by the Chief of Staff to the Assistant Secretary of War. On every paper submitted by the Chief of Staff he will indorse his views and recommendations, and wherever necessary each case will also show the recommendations, reports, or information from the bureaus of the War Department or the military authorities outside the department. Routine business and papers will be acted on by the Chief of Staff in the name of the Secretary of War, as well as such other papers and business as the Secretary of War may indicate. The Chief of Staff may authorize his assistants to act for him in unimportant routine cases.

The CHAIRMAN. What I am trying to get at is what is the actual law?

Gen. CARTER. The law is that the orders shall be issued under the authority of the President or the Secretary of War for the President.

The CHAIRMAN. And no one else connected with the service has the right or authority to direct the action of the Chief of Staff?

¹ The requirements of this paragraph do not abrogate War Department orders of November 7, 1905: "Matters of a purely civil nature will be referred by chiefs of bureaus direct to the Secretary of War unless otherwise required by their subject matter." See orders, Secretary of War, Apr. 14, 1906, p. 16.

Gen. CARTER. No. In the particular matter under consideration I would say that I called the attention of Mr. Hilles, when he telephoned to me to the fact that Maj. Ray had been under criticism for a good while, and that there might be further criticism if the station of that officer was changed to Chicago. Mr. Hilles informed me that that matter was recognized, and that Maj. Ray's order was being issued purely because of the condition of his wife, and that he would be so informed, and that he would be advised that he should not engage in any other activities.

The CHAIRMAN. Is it usual for the Chief of Staff to receive orders from the Secretary of War or from the President, other than in writing?

Gen. CARTER. Oh, yes; verbally or by telephone—it is very common.

The CHAIRMAN. We will be pleased to have you cite the committee to the authority defining the scope of the duties of The Adjutant General, and to all the acts pertaining to that office. You can insert that in the record. But, in a general way, I would like for you to state what are the duties of The Adjutant General.

Gen. CARTER. I can state that in a general way offhand.

The CHAIRMAN. We will be glad for you to do so.

Gen. CARTER. The Adjutant General is specially charged with the care of the recruiting service of the Army and the preservation of the records. He issues orders in the name of the Secretary of War and Chief of Staff, when directed to do so. He has no authority to issue any orders on his own volition.

The CHAIRMAN. The committee would be pleased to have you cite it to the authority empowering the Chief of Staff to issue orders without reference to whether The Adjutant General's office has any record of the same. The Adjutant General's Office is the office of all records in the War Department, relating both to the civil and military establishment, is it not?

Gen. CARTER. No. The records of the existing military establishment and of all our wars and troops engaged therein. Many civil records pertain to the office of the Secretary of War and some to the engineer and other bureaus.

The CHAIRMAN. I want you to cite the committee to the authority for doing that.

Gen. CARTER. Well, the Chief of Staff's office is a bureau of records of the War Department itself.

The CHAIRMAN. Will you kindly cite the committee to the authority?

Gen. CARTER. Section 3 of General Orders, No. 68, of 1911, of which you have a part in the record already.

The CHAIRMAN. What officer in the War Department transmits the official orders of the department?

Gen. CARTER. It is a very common thing for the Chief of Staff to issue orders from his home at night, of which copies are usually sent to The Adjutant General's office. The orderly practice and rule is to have a memorandum order signed by the Chief of Staff, which is sent to The Adjutant General's office, with the direction to issue, in substance, the instructions or order.

The CHAIRMAN. The usual and regular course in such cases, under the law, is for these orders to be transmitted as a matter of record to The Adjutant General's office?

Gen. CARTER. Oh, yes.

The CHAIRMAN. These orders that are given by the Chief of Staff?

Gen. CARTER. Yes; that is the almost invariable rule, but the right of the Secretary of War or Chief of Staff to telegraph an order, or otherwise give any legal order without giving it through The Adjutant General, has never been questioned.

The CHAIRMAN. Under the law you say that is the invariable rule?

Gen. CARTER. The general practice, but I do not think there has ever been any law on that subject.

Mr. BULKLEY. Do I understand you to say that the Chief of Staff has authority to telegraph orders direct and that there is no duty incumbent upon him to file copies in The Adjutant General's office after the orders have been issued?

Gen. CARTER. It is absolutely essential to file copies at some time, in order to preserve the archives and proper records of action of the department.

Mr. BULKLEY. You mean that when he issues an order direct he should subsequently file a copy with The Adjutant General?

Gen. CARTER. Yes; if any coherent plan of doing the public business is to be followed. But if it is not done, there is no one to say anything about it, any more than to call attention to the omission if they discover it.

The CHAIRMAN. His failure to do so, then, as I understand you, would be a violation either of the law or of the rules and regulations of the War Department?

Gen. CARTER. I think not; I think it would be regarded more as an oversight.

The CHAIRMAN. On a matter of great importance?

Gen. CARTER. On matters of any kind. If the Secretary of War gave an order at his office and omitted to send a copy, we would know nothing about its having been done.

The CHAIRMAN. There would be no excuse for his not doing so except as a matter of oversight—did I understand you to so state?

Gen. CARTER. There might be and are occasions when the President might give orders or the Secretary of War might give orders on a subject which it was desired should not become known to any assistant or clerk.

The CHAIRMAN. What class of cases does that cover, General?

Gen. CARTER. There are many things in connection with foreign relations that are kept quite confidential and which it is desired that no subordinate or clerk should get hold of at an inopportune time.

The CHAIRMAN. Matters of international importance?

Gen. CARTER. Yes.

Mr. BULKLEY. Military secrets?

Gen. CARTER. Yes.

The CHAIRMAN. But the ordinary routine business of the department—

Gen. CARTER (interposing). Ordinarily is all made of record. That is the only way we can run the business; every time we have any important business we send to The Adjutant General for the previous record.

The CHAIRMAN. Can you inform the committee whether under the law Maj. Beecher B. Ray is in line for promotion by reason of the retirement of any officer in the Pay Department?

Gen. CARTER. I could give it to you absolutely by looking at the Register, but my understanding is that he is entitled to the promotion of lieutenant colonel by virtue of the retirement of Gen. Whipple and the promotion of Col. Smith to be brigadier general.

The CHAIRMAN. Under the law and the rules and regulations he will be advanced in regular routine?

Gen. CARTER. Under specific law, the act of February 2, 1901, he is entitled to his promotion by reason of seniority.

The CHAIRMAN. When will he be entitled to that?

Gen. CARTER. On the day following that of Gen. Whipple's retirement. Formerly we took the same date of the vacancy, but the Attorney General and the Treasury have decided that there can not be two officers holding the same position on the same date. Therefore, when one officer is retired, the senior officer in the next grade goes up the following day.

The CHAIRMAN. Maj. Ray is in the Pay Department?

Gen. CARTER. Yes; he holds a permanent appointment in the Pay Department.

The CHAIRMAN. Will you please have inserted in the record a statement showing the number of officers and assistants on duty in the Pay Department for the past five years and the amount of money disbursed by each during each year of that time?

Gen. CARTER. Yes, sir. Of course I will have to get that from the Paymaster General.

Statement showing the number of officers on duty in the Pay Department and the amount of money disbursed for the fiscal years 1907-1911.

1907.

Rank and name.	Expenditures.	Rank and name.	Expenditures.
Colonels and assistant paymasters general:		Captains and paymasters:	
Towar, A. S.	\$335,329.25	Slaughter, B. D.	\$489,525.88
Sniffen, C. C.	349,002.05	Day, F. R.	471,347.33
Whipple, C. H.	1,339,649.79	Buffington, A. P.	626,866.76
Comegys, W. H.	1,673,953.10	Dwyer, C. G.	646,994.86
Tucker, W. F.	129,685.18	Carnahan, E. C.	352,166.24
Lieutenant colonels and deputy paymasters general:		Moody, T. M.	430,193.68
Muhlenberg, J. C.	1,368,107.62	Sigworth, J. M.	1,090,321.59
Smith, G. R.	877,596.40	Fenton, C. W.	839,463.69
Halford, E. W.	839,979.78	Carey, E. C.	69,136.79
Rogers, H. L.		Lyon, H. G.	138,944.25
Majors and paymasters:		Ely, F. D.	319,479.39
Vinson, V.	582,269.50	Swezey, C. B.	635,176.06
Wallace, H. S.	699,601.17	Creary, W. F.	505,293.62
Payson, F. L.	378,244.93	Johnston, F. E.	303,662.19
Downey, G. F.	504,735.99	McIntyre, T. H. R.	893,282.12
Goodman, T. C.	864,792.65	Spinks, M. G.	533,028.29
Houston, J. B.	329,820.09	Pursell, B. M.	335,266.61
Ray, B. B.	432,372.40	Dixon, H. B.	596,111.43
Lord, H. M.	12,945.40	Moses, G. W.	717,397.64
Rochester, W. B.	722,086.53	Brown, Preston.	640,908.78
Smith, R. S.	475,212.43	Dallam, S. F.	364,235.08
Holloway, G. T.	670,184.20	Orton, E. P.	558,702.03
Gambrell, W. G.	962,709.80	Valentine, W. S.	426,745.60
Keleher, T. D.	591,550.53	Holden, G. J.	330,022.21
Pickett, G. E.	864,540.44	Arrowsmith, G. D.	596,481.59
Curry, M. B.	334,108.49	Special disbursing agents:	
Dawes, J. W.	715,548.32	Isser, J. P.	3,977.97
Canby, Jas.	674,568.20	Irons, J. A.	1,277.58
Coffin, Eugene.	441,430.05	Edwards, F. A.	5,670.33
Lynch, J. R.	385,262.94	Kennon, L. W. V.	2,950.66
Stanton, C. E.	535,387.62	Gibson, W. W.	4,473.59
Stevens, P. C.	434,636.25	Bavlies, Jas.	23,478.38
		Stokes, M. B.	30,543.41
		Nichols, Maury.	7,532.66

Statement showing the number of officers on duty in the Pay Department and the amount of money disbursed for the fiscal years 1907-1911—Continued.

1907.

Rank and name.	Expenditures.	Rank and name.	Expenditures.
Special disbursing agents—Contd.		Special disbursing agents—Contd.	
Giddings, Paul.....		Cordier, Constant.....	\$554.33
Reeves, J. H.....	\$250.03	Plummer, E. H.....	5,730.45
Guinard, W. S.....	3,136.51	Stamper, W. Y.....	843.64
Clifton, A. T.....	33,842.04	Hemphill, J. E.....	
Breckenridge, E. L. D.....	384.08	Young, Jas. S.....	4,358.22
Beacom, J. H.....	2,213.02	Humber, R. C.....	
Biddle, W. S.....	1,906.85	Bolton, E. B.....	35,971.88
Pershing, J. J.....	1,745.46	Moon, H. B.....	36,008.13
Young, Chas.....	2,926.70		
Parker, Frank.....	505.34	Total.....	31,636,395.07
McClintock, John.....			

1908.

Paymaster General:		Captains and paymasters—Contd.	
Whipple, C. H.....	\$1,036,725.35	Ely, F. D.....	\$697,320.14
Colonels and assistant paymasters general:		Walker, K. W.....	288,822.83
Comegys, W. H.....	2,267,525.15	Sweeney, C. B.....	527,296.13
Tucker, W. F.....	1,025,709.70	Johnston, F. E.....	752,120.79
Muhlenberg, J. C.....	585,864.95	McIntyre, T. H. R.....	460,735.84
Smith, G. R.....	806,949.23	Hammond, H.....	227,258.68
Lieutenant colonels and deputy paymasters general:		Spinks, M. G.....	298,677.96
Rogers, H. L.....	1,319,836.42	Dixon, H. B.....	571,120.73
Vinson, W.....	877,300.72	Moses, G. W.....	106,243.42
Wallace, H. S.....	650,969.15	Brown, P.....	442,660.64
Payson, F. L.....	782,378.23	Dallam, S. F.....	1,087,759.98
Majors and paymasters:		Orton, E. P.....	742,392.36
Downey, G. F.....	339,232.63	Valentine, W. S.....	574,192.60
Goodman, T. C.....	728,626.59	Holden, G. J.....	408,787.47
Houston, J. B.....	546,748.38	Arrowsmith, G. D.....	488,197.38
Ray, B. B.....	257,348.72	Greenough, E. A.....	326,923.56
Lord, H. M.....	855,407.61	Morton, C. E.....	287,239.98
Rochester, W. B., Jr.....	700,044.52	Burt, W. H.....	328,023.18
Smith, R. S.....	734,187.37	Buffington, A. P.....	296,253.61
Holloway, G. T.....	503,241.61	Howard, C. E. N.....	109,974.32
Gambrill, W. G.....	966,376.39	Frith, R. E.....	147,156.92
Keleher, T. D.....	511,269.93	Anderson, E. D.....	37,181.72
Pickett, G. E.....	860,543.56	Special disbursing agents:	
Dawes, J. W.....	683,538.50	Wisser, J. P.....	7,598.39
Canby, J.....	386,384.09	Edwards, F. A.....	4,738.46
Curry, M. B.....	257,349.87	Irons, J. A.....	7,271.97
Coffin, E.....	32,836.77	Kennon, L. W. V.....	
Lynch, J. R.....	685,360.51	Young, J. S.....	1,784.47
Stanton, C. E.....	528,518.80	Slocum, S. L/H.....	3,290.14
Skerrett, D.....	270,774.80	Stokes, M. B.....	66,812.93
Stevens, P. C.....	515,346.22	Reeves, J. H.....	3,855.95
Slaughter, B. D.....	584,963.28	Landis, J. F. R.....	816.29
Hains, J. P.....	91,796.11	Baylies, J.....	12,358.91
Blauvelt, W. F.....	157,325.31	Breckenridge, E. L. D.....	66,071.11
Captains and paymasters:		Bolton, E. B.....	
Smith, E. V.....	451,226.25	Guignard, W. S.....	3,752.58
Day, F. R.....	173,232.00	Clifton, A. T.....	7,798.80
Dwyer, C. G.....	687,624.92	Schlick, J.....	67,538.69
Carnahan, E. C.....	506,956.69	Jervay, W. St. J., Jr.....	41,892.76
Moody, T. M.....	747,950.65	Cordier, C.....	2,435.08
Sigworth, J. M.....	265,450.36	Gibson, W. W.....	1,604.28
Fenton, C. W.....	279,173.32	Cooke, G. F.....	
Lyon, H. G.....	409,985.26	Kreps, J. F.....	
Suplee, E. M.....	277,795.35	Hanigan, H. A.....	
Clark, W. F.....	381,741.24	Kobbe, F. W.....	
Miller, J. K.....	285,027.00	Moore, C. B.....	
Carey, E. C.....	708,323.51	McCammon, E. E.....	
		Total.....	35,231,857.07

Statement showing the number of officers on duty in the Pay Department and the amount of money disbursed for the fiscal years 1907-1911—Continued.

1909.

Rank and name.	Expenditures.	Rank and name.	Expenditures.
Colonels and assistant paymasters general:		Captains and paymasters—Continued.	
Comegys, W. H.	\$2,340,023.12	Castle, C. W.	\$671,972.39
Smith, G. R.	1,523,746.60	Sweezey, C. B.	686,300.93
Rogers, H. L.	2,064,401.44	Walker, K. W.	950,543.43
Lieutenant colonels and deputy paymasters general:		Johnston, F. E.	541,397.48
Vinson, W.	1,050,823.80	Hammond, H.	801,773.36
Wallace, H. S.	656,563.62	Orton, E. P.	1,086,896.42
Payson, F. L.	1,146,728.43	Valentin, W. S.	458,347.77
Downey, G. F.		Holden, G. J.	1,023,506.05
Majors and paymasters:		Arrowsmith, G. D.	825,744.02
Goodman, T. C.	661,512.67	Greenough, E. A.	618,220.17
Houston, J. B.	606,020.95	Morton, C. E.	755,059.04
Ray, B. B.	381,941.96	Frith, R. E.	855,872.45
Lord, H. M.		Howard, C. E. N.	798,163.77
Rochester, W. B., jr.	1,433,800.14	Burt, W. H.	830,405.77
Smith, R. S.	999,308.35	Williams, R. C.	290,462.69
Holloway, G. T.	1,258,828.44	Wilder, W. T.	227,069.31
Gambrill, W. G.	668,442.34	Jarvis, M. S.	71,672.75
Keleher, T. D.	1,536,117.54	Dixon, H. B.	160,539.05
Pickett, G. E.	888,651.96	Ely, F. D.	8,376.97
Canby, J.	1,338,661.36	Cooke, E. H.	41,781.67
Lynch, J. R.	616,372.53	Special disbursing agents:	
Stanton, C. E.	851,138.82	Cooke, G. F.	106,775.73
Stevens, P. C.	883,258.51	Irone, J. A.	15,334.26
Dawes, J. W.	124,853.72	Wisner, J. P.	5,991.94
Slaughter, B. D.	1,063,386.30	Hanigan, H. A.	47,153.28
Johnson, F. O.	314,125.68	Landis, J. F. R.	5,502.46
Blauvelt, W. F.	1,266,623.41	Guignard, W. S.	4,205.37
Barroll, M. K.	52,214.68	Krepe, J. F.	71,515.20
Skerrett, D.	832,435.16	Cordier, C.	2,851.92
Hains, J. P.	268,388.34	Reeves, J. H.	4,845.84
Captains and paymasters:		Stokes, M. B.	2,846.64
Smith, E. V.	725,236.35	Jervey, W. St. J.	3,669.44
Dwyer, C. G.	1,007,109.08	McCammon, E. E.	
Carnahan, E. C.	256,304.67	Moore, C. B.	
Moody, T. M.	477,981.95	Kobbe, F. W.	57,383.99
Lyon, H. G.	522,611.00	Shartle, S. G.	1,397.16
Suplee, E. M.	451,164.85	Slocum, S. L'H.	5,119.92
Hornbrook, J. J.	450,745.20	Fergusson, F. K.	2,737.32
Clark, W. F.	796,336.44	Murray, M.	2,275.50
Anderson, E. D.	984,937.19	Henkes, D. A.	5,766.57
Miller, J. K.	750,135.58	Stewart, G. E.	5,536.39
Carey, E. C.	933,841.36	Total	44,236,856.96

1910.

Colonels and assistant paymasters general:		Majors and paymasters—Contd.	
Comegys, W. H.	\$2,309,471.15	Stanton, C. E.	\$901,156.42
Smith, G. R.	2,396,622.44	Hains, J. P.	543,347.25
Rogers, H. L.	285,255.49	Stevens, P. C.	1,594,483.41
Lieutenant colonels and deputy paymasters general:		Smith, E. V.	501,495.59
Vinson, W.	1,453,398.47	Skerrett, D.	588,117.31
Wallace, H. S.	592,687.00	Captains and paymasters:	
Payson, F. L.	981,282.97	Jones, W. K.	543,037.99
Downey, G. F.		Wilder, W. T.	745,855.83
Majors and paymasters:		Lyon, H. G.	693,558.88
Goodman, T. C.	566,866.82	Jarvis, M. S.	1,285,398.01
Houston, J. B.	599,367.79	E vans, E. W.	430,267.92
Ray, B. B.	406,582.54	Suplee, E. M.	475,515.93
Lord, H. M.	779,983.21	Hornbrook, J. J.	630,256.95
Rochester, W. B.	1,384,345.42	Clark, W. F.	907,122.18
Smith, R. S.	876,664.07	Anderson, E. D.	699,399.41
Johnson, F. O.	1,462,800.69	Carey, E. C.	994,567.47
Holloway, G. T.	855,562.37	Castle, C. W.	558,523.11
Gambrill, W. G.	509,443.61	Williams, R. C.	856,255.49
Keleher, T. D.	1,861,441.27	Walker, K. W.	746,060.64
Pickett, G. E.	639,475.70	Pearce, T. A.	1,213,302.27
Blauvelt, W. F.	913,853.09	Hammond, H.	862,525.35
Canby, J.	916,985.75	Orton, E. P.	1,029,422.21
Lynch, J. R.	541,265.85	Taylor, J. D., jr.	313,258.13
Barroll, M. K.	676,285.56	Cooke, E. H.	736,859.76
		Greenough, E. A.	309,397.67
		Morton, C. E.	542,908.75

Statement showing the number of officers on duty in the Pay Department and the amount of money disbursed for the fiscal years 1907-1911—Continued.

1910.

Rank and name.	Expenditures.	Rank and name.	Expenditures.
Captains and paymasters—Contd.		Special disbursing agents—Contd.	
Murphy, T. E.	\$39,016.98	Slocum, S. L ^H	\$4,659.88
Frith, R. E.	1,186,504.40	Haskell, E. E.	112,980.92
Doyle, F. C.	608,560.44	Reeves, J. H.	4,609.84
Howard, C. E. N.	873,089.91	Shartle, S. G.	3,759.63
Burt, W. H.	813,792.68	Stewart, G. E.	78,113.05
Johnston, F. E.	1,137,096.82	Beals, F. L.	2,162.59
Swezey, C. B.	175,831.91	Colvin, W. M.	760.67
Arrowsmith, G. D.	55,081.38	Cordier, C.	2,943.62
Miller, J. K.	292,560.08	Davis, B. O.	761.25
Special disbursing agents:		Henkes, D. A.	61,977.85
Irons, J. A.	12,899.50	Short, W. E.	
Cooke, G. F.	11,494.80	Smith, P. L.	
Hawthorne, H. L.	5,685.51	Ware, J. F.	
Kreps, J. F.	75,622.54	West, S. B.	
Landis, J. F. R.	6,048.71		
Mott, T. B.	5,168.23	Total	45,632,948.38

1911.

Colonels and assistant paymasters general:		Paymasters with rank of captain—Continued.	
Comegys, W. H.	\$1,595,576.11	Nissen, A. C.	\$474,179.26
Smith, Geo. R.	2,886,967.25	Dallam, S. F.	46,173.13
Rogers, H. L.	367,129.38	Taylor, J. D.	820,619.68
Lieutenant colonels and deputy paymasters general:		Cooke, E. H.	1,077,960.00
Vinson, Webster.	1,575,420.48	Greenough, E. A.	742,839.93
Wallace, H. S.	746,275.36	Morton, C. E.	449,349.75
Payson, F. L.	165,314.76	Murphy, T. E.	721,772.72
Downey, G. F.		Frith, R. E.	989,394.04
Paymasters with rank of major:		Doyle, F. C.	472,095.23
Goodman, T. C.	791,792.98	Howard, C. E. N.	622,357.31
Houston, J. B.	1,701,268.01	Burt, W. H.	956,618.98
Ray, B. B.	1,344,835.43	McIntyre, S. B.	330,814.44
Lord, H. M.	994,937.36	Griffiths, J. H.	102,955.13
Rochester, W. B.	1,526,086.77	Hammond, H.	411,306.39
Smith, R. S.	692,798.42	Carey, E. C.	863,790.05
Gambrill, W. G.	663,095.89	Lyon, H. G.	228,217.44
Keleher, T. D.	1,355,110.12	Upton, L. S.	226,449.88
Canby, James.	926,317.46	Orton, E. P.	45,115.84
Lynch, J. R.	1,184,557.92	Special disbursing agents:	
Pickett, Geo. E.	564,334.58	Averill, N. K.	2,536.90
Stanton, C. E.	755,959.03	Boschen, F. W.	5,981.98
Stevens, P. C.	619,964.69	Brown, A. E.	3,005.52
Blauvelt, W. F.	739,832.29	Colvin, W. M.	3,072.00
Johnson, F. O.	1,084,979.96	Cordier, C.	3,063.60
Barroll, M. K.	1,158,893.74	Davis, B. O.	3,166.53
Hains, J. P.	832,397.54	Hammond, J. S.	3,150.89
Waterman, J. C.	632,887.95	Haskell, E. E.	6,799.00
Smith, E. V.	870,985.49	Hawthorne, H. L.	12,311.92
Carnahan, E. C.	91,895.27	Henkes, D. A.	37,766.59
Wilder, W. T.	781,679.59	Landis, J. F. R.	5,276.42
Evans, E. W.	827,577.12	Mott, B. T.	5,135.57
Holloway, G. T.	1,159,425.90	Parke, J. S.	375.00
Jones, W. K.	457,715.62	Pickering, R. R.	78,412.42
Paymasters with rank of captain:		Reeves, J. H.	3,556.83
Jarvis, M. S.	1,185,762.95	Shartle, S. G.	6,193.63
Suplee, E. M.	1,411,307.20	Short, W. C.	155,061.47
Hornbrook, J. J.	856,119.61	Slocum, S. L ^H	7,709.72
Clark, W. F.	1,206,175.65	Smith, P. L.	
Anderson, E. D.	733,782.97	Stewart, G. E.	6,207.76
Castle, C. W.	540,121.96	Tomlinson, M. H.	
Preston, J. F.	671,724.79	Ware, J. F.	76,141.99
Williams, R. C.	626,384.89	West, S. B.	11,298.01
Walker, K. W.	1,191,182.48	Cooke, G. F.	
Pearce, T. A.	1,083,209.45	Total	48,620,317.37

The CHAIRMAN. Do you know or can you obtain information as to whether Maj. Ray was ordered away from Chicago at any time while on assignment to duty there in 1908; and if so, why? But let me preface that by asking this question: Were you on duty in Chicago in 1908?

Gen. CARTER. I was on duty in 1906, 1907, and 1908.

The CHAIRMAN. In what capacity, General?

Gen. CARTER. Commanding general, Department of the Lakes.

The CHAIRMAN. As such commander, what jurisdiction, if any, did you have over Maj. Ray in the Pay Department?

Gen. CARTER. He was on duty in Chicago a part of the time while I was there, but all of my business with the paymasters was through the chief; he was one of the assistants.

The CHAIRMAN. Would your records as commanding general, Department of the Lakes, show anything relative to the duties that were performed by Maj. Ray in 1908?

Gen. CARTER. The records of the department would show what orders were issued each month.

The CHAIRMAN. Well, the records that you kept while in charge?

Gen. CARTER. Yes; the permanent official records of the department.

The CHAIRMAN. Can you answer that question, then? Was Maj. Ray ordered away from Chicago at any time while on assignment to duty there in 1908?

Gen. CARTER. He was ordered, probably, every month to go and make a payment somewhere by department order, but if he was ordered outside of the limits of the department that order would come from Washington and be in the General Orders of the War Department. All of the orders of the department commander relate to the payment of troops within a certain territorial area.

The CHAIRMAN. Do you know whether he was absent from his post in Chicago during the year 1908?

Gen. CARTER. I could not answer that; I do not know.

The CHAIRMAN. Can you ascertain from the records and insert it in your hearing?

Gen. CARTER. I can ask The Adjutant General if there is any information of that kind. At the department we have a record of every officer's service.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, March 12, 1912.

Memorandum.

The records of this office show that the proper station of Maj. Beecher B. Ray during the entire year, 1908, was Manila, P. I.; that in January, 1908, he obtained a leave of absence for two months to come to the United States and that this leave was extended two months and further extended four months by the War Department; that Maj. Ray was assigned to temporary duty at headquarters, Department of the Lakes, Chicago, Ill., by an order dated August 13, 1908, and was relieved from this duty by an order dated October 21, 1908, to take effect October 31, 1908. He was on leave of absence from February 28 to August 17 and from November 1 to 10, 1908, when he sailed for the Philippine Islands. He was on duty at headquarters, Department of the Lakes, from August 17 to October 31, 1908, and the records of this office do not show that he was absent from Chicago during this period except on October 22, 23, and 24, when he was taking the walking test required of him by War Department orders. A copy of Maj. Ray's application to be relieved from duty at Chicago and of a letter from this office authorizing him to sail from San Francisco for the Philippines on or about November 10, 1908, together with the orders above specified, are herewith.

SPECIAL ORDERS, }
No. 188.

WAR DEPARTMENT,
Washington, August 13, 1908.

[Extract.]

* * * * *

3. Maj. Beecher B. Ray, paymaster, now in Chicago, Ill., will report in person to the commanding general, Department of the Lakes, for temporary duty.
[1410608, A. G. O.]

* * * * *

By order of the Secretary of War:

J. FRANKLIN BELL,
Major General, Chief of Staff.

Official:

HENRY P. MCCAIN,
Adjutant General.

SPECIAL ORDERS, }
No. 246.

WAR DEPARTMENT,
Washington, October 21, 1908.

[Extract.]

* * * * *

11. Maj. Beecher B. Ray, paymaster, is relieved from duty at headquarters, Department of the Lakes, to take effect on or about October 31, 1908, and will revert to a status of absence with leave. [1437744, A. G. O.]

* * * * *

By order of the Secretary of War:

J. FRANKLIN BELL,
Major General, Chief of Staff.

Official:

HENRY P. MCCAIN,
Adjutant General.

HEADQUARTERS DEPARTMENT OF THE LAKES,
OFFICE OF THE CHIEF PAYMASTER,
Room 565 Federal Building, Chicago, Ill., October 8, 1908.

The CHIEF OF STAFF

(Through the Paymaster General, United States Army),
Washington, D. C.

SIR: I have the honor to request that I be relieved from temporary duty in Chicago, effective on or about October 31, and be allowed to return to leave status.

I have to request that I be allowed to report to the department commander of California on or about November 10, with permission to sail on the liner leaving San Francisco on that date for Manila, at my own expense.

Very respectfully,

B. B. RAY,
Major, Paymaster, United States Army.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, October 21, 1908.

Maj. BEECHER B. RAY, Paymaster

(Through headquarters Department of the Lakes),
Chicago, Ill.

SIR: Referring to your letter of October 8, 1908, requesting to be relieved from duty at headquarters Department of the Lakes on or about October 31, 1908, I have the honor to inform you that an order has been prepared relieving you as requested and directing you to return to a status of absence with leave. The Secretary of War authorizes you to report to the commanding general, Department of California, on or about November 10, 1908, and to sail on the liner leaving San Francisco for Manila on or about that date, at your own expense.

The Secretary further directs me to invite your attention to paragraph 787, Army Regulations, governing official correspondence, and to say that your letter of October 8, 1908, addressed to the Chief of Staff, was a violation of the regulation cited.

Very respectfully,

HENRY P. MCCAIN, Adjutant General.

The CHAIRMAN. Do you know whether he endeavored to return to Chicago or go elsewhere while his services were needed outside of Chicago in 1908?

Gen. CARTER. I do not know, sir.

The CHAIRMAN. Can you ascertain from any records whether such is the fact or not?

Gen. CARTER. I do not know just where I would turn to ascertain it; I do not know anything about it. I never knew anything of his affairs.

The CHAIRMAN. Would any records in The Adjutant General's office show such a condition?

Gen. CARTER. I doubt it. I think it would have been done by private letter, if such a thing were done.

The CHAIRMAN. Well, are orders of this character made by private letters?

Gen. CARTER. Sometimes. I do not suppose a day passes that there is not a request from some Member of Congress asking to have an officer's orders or assignment changed. It is not always done, but sometimes personal reasons of a grave nature previously unknown are then made the basis of action.

The CHAIRMAN. Do I infer from that that if such a change was made it was done at the request of some Congressman?

Gen. CARTER. No. I say that to show you that such things are not always official acts in the routine way. If any officer or soldier wants to have an order changed out of the ordinary routine, he or his friends appeal to some Member to come and present his case, thinking it will receive quicker and more favorable consideration.

The CHAIRMAN. Then a paymaster's station can be changed without any record being made of the order?

Gen. CARTER. Not at all; when the order is made the instructions to make that order and a copy of the order will be on file in The Adjutant General's office.

The CHAIRMAN. I can not exactly grasp how these changes of paymasters are made by private letters.

Gen. CARTER. No private letter would be filed in the War Department. But suppose a man should write a private letter to the Paymaster General, or some person should go to the Paymaster General and say, "I want the next station after so and so." One officer prefers one station and another some other station; for particular reasons some prefer to serve in the North, and some prefer to serve in the South. They present their cases to their own chief of bureau, and very often arrangements are made by which one man will enable them to get the stations they desire without any material cost to the Government. It is different in the line of the Army, ordinarily, because a man should go to the station of his regiment.

The CHAIRMAN. Can you have inserted in the record a statement showing the number of officers connected with the War Department who are now on duty in the city of New York, and if so, the rank and number of each officer in each grade, and also the number of officers, their grades, and the number in each grade of the officers connected with the War Department that are now on duty in the city of Chicago?

Gen. CARTER. You mean the city of New York?

The CHAIRMAN. Yes.

Gen. CARTER. Yes; I can get that from the records.

Officers of the Army on duty in New York City and Chicago, Ill.

	New York City.	Chicago.
Brigadier generals.....		1
Colonels.....	7	5
Lieutenant colonels.....	3	4
Majors.....	7	5
Captains.....	13	14
First lieutenants.....	5	1

The New York list does not include officers on Governors Island with the headquarters eastern division. The Chicago list includes officers of the headquarters central division. Both lists include recruiting officers.

The CHAIRMAN. General, I understood you to say a moment ago that Maj. Ray, by operation of law, on the retirement of Gen. Whipple, was promoted to a colonelcy in the Army?

Gen. CARTER. A lieutenant colonelcy. That is right in a general way. Technically, when Gen. Whipple retired the President selected the next Paymaster General; if he had selected somebody below Maj. Ray, he would not have been entitled to promotion, but as an officer above him was selected, Maj. Ray goes up to the next grade because he is the senior major.

The CHAIRMAN. And not by operation of law?

Gen. CARTER. The moment Col. Smith was promoted to be Paymaster General, that promotes the senior lieutenant colonel and the senior major; Maj. Ray is the senior major and by operation of law becomes entitled to promotion to lieutenant colonel, provided he is nominated and is confirmed by the Senate.

The CHAIRMAN. When Maj. Ray's station was changed from Atlanta to Chicago, it necessarily followed that some other paymaster had to change his station to the assignment at Atlanta made vacant by the order transferring Maj. Ray to Chicago?

Gen. CARTER. I can insert the actual changes that followed that.

The CHAIRMAN. Well, in a general way, I want to understand about this. Every time a paymaster's station is changed it necessarily follows that one or more other paymasters' stations must be changed in order to fill the vacancy created by the change in assignment?

Gen. CARTER. That would always be the case unless they had determined to reduce the number on a particular station.

The CHAIRMAN. Then do I understand that if one paymaster's station is changed, unless there is some peculiar condition that does not require the station to be filled by the assignment of some other paymaster, that it creates a sort of endless chain, so to speak?

Gen. CARTER. There might be several changes in stations. This frequently happens in the movement of officers to and from the Philippines.

The CHAIRMAN. There might be one, and then there might be how many?

Gen. CARTER. Such changes are usually made by the assignment of paymasters to the Philippines and those coming home taking their stations; those changes are made in regular order every three

years; if a paymaster was taken from a station out of the usual order for any purpose and transferred to another they would have to replace him unless there was to be a reduction in the force.

The CHAIRMAN. There are 52 paymasters connected with the service, are there not, other than the Paymaster General?

Gen. CARTER. I would have to get that from the register; I do not carry it in my mind.

The CHAIRMAN. Could a condition arise by which if you changed one of these paymasters you would have to change all of them?

Gen. CARTER. Oh, no; I do not think so.

Thereupon the subcommittee adjourned.

EXPENDITURES IN THE WAR DEPARTMENT.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, HOUSE OF REPRESENTATIVES, *Tuesday, March 12, 1912.*

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

Present: Representatives Helm (chairman), Bulkley, Difenderfer, and Speer.

TESTIMONY OF GEN. CLARENCE R. EDWARDS, UNITED STATES ARMY.

The witness was duly sworn by the chairman.

The CHAIRMAN. General, please give us your full name.

Gen. EDWARDS. Clarence R. Edwards.

The CHAIRMAN. Your office and rank.

Gen. EDWARDS. Brigadier general, United States Army, chief of the Bureau of Insular Affairs.

The CHAIRMAN. You were requested over the telephone by me, General, to bring copies of all telegrams, documents, and records in your office or emanating therefrom relating to the investigation which the committee has been conducting in regard to Maj. Beecher B. Ray. Have you those papers?

Gen. EDWARDS. Mr. Chairman, I looked at the records, and everything official automatically would be there. I do not know whether I brought up the card or not. I came right from my house. I can send for that. There is nothing in the Insular Bureau of official record. It is a fact that I sent a private telegram to Col. McIntyre when I was with President Taft in the Philippines in 1907. That private telegram was taken up by Col. McIntyre to the then Paymaster General, Gen. Sniffen, and they jointly prepared an answer to me. I recollect there was such a private telegram sent, but until I saw it published I had about forgotten about it, and even that should not have been official. But I have some direct knowledge of the Beecher B. Ray matter which I would be very glad to tell to the committee. I have looked all over my private correspondence, and I have brought that up. The propriety of submitting it before the committee is questionable, but I am perfectly willing to show it to you, Mr. Chairman, or the members of the committee. Most of it is on the subject of Maj. Ray when he was in Honolulu and attempting to get back to Chicago, due, as he said, to the desperate illness of his wife, who he said was suffering from mastoid abscesses and several other ailments, and alleging that there was a surgeon in Chicago only who could give her relief, and my cablegram in answer to him I paid for out of my own pocket; but I will be very glad to show it to the committee.

I will be frank about the matter. I have knowledge of the first time I met Maj. Ray when I was with President Taft on the occasion of the opening of the assembly on the 16th of October, 1907, which possibly would be of interest to the committee. I think I saw Maj. Ray twice after that, and then I have quite a little hearsay knowledge of Maj. Ray. Then I also have knowledge of other records which have now been published as part of the record; at least I understand they have. I have not read the record over. That is the scope of my knowledge about Maj. Ray. You see, Mr. Helm, in order for you to understand this matter, I would have nothing official to do as Chief of the Insular Bureau with Maj. Ray.

The CHAIRMAN. But you have had considerable dealings with him?

Gen. EDWARDS. Yes.

The CHAIRMAN. And your action and the result of your connections with him and this personal correspondence that you speak of has entered into his work and different assignments to posts of duty?

Gen. EDWARDS. In some degree; yes.

The CHAIRMAN. And his transfers, and so forth; and to that extent I think the committee would be entitled to that information.

Gen. EDWARDS. You are entitled to it, sir. For instance, as an officer of the Army I have had dealings with him by virtue of officially accompanying the Secretary of War, and naturally on such occasions as that, being for the time being a kind of chief of staff of his on military matters, I would have knowledge of matters outside of insular matters and to that extent it would be official.

The CHAIRMAN. May I ask you, General, without disconcerting your line of thought, How does it happen that your bureau, not having official dealings with Maj. Ray, from your statement appears to have entered quite largely into the matter of his movements?

Gen. EDWARDS. Do you care to have me give you a full explanation of that?

The CHAIRMAN. Yes, sir. It may be a little out of the ordinary.

Gen. EDWARDS. No; I think it is quite right, sir. In 1907 I accompanied President Taft to open the Philippine Assembly, which, under the act of Congress of July 1, 1902, when certain conditions with regard to peace and stability were brought about which should be announced in a proclamation of the President, would warrant the holding of an election and the convening of a legislature and the inauguration of such a legislature. When I arrived in the Philippines, I think it was about the end of August of 1907, I became the guest of the then governor general, James Smith—who is now on the Commerce Court here—with President Taft.

Mr. BULKLEY. Then Secretary of War?

Gen. EDWARDS. Then Secretary of War. Our days were taken up with any number of functions. A carnival was about to be held, I think, in February. I had several men come to me, civilians, I think, Smith and the present vice governor, Gilbert, and any number of other official and unofficial Americans residing in the Philippines, and they spoke to me about a Maj. Ray. He seemed to have been a very good mixer, and they seemed to like him quite a good deal, and they wanted to have me see him.

The CHAIRMAN. Pardon me right there. Had you never known him before?

Gen. EDWARDS. I had never heard of him, sir.

The CHAIRMAN. You knew nothing about him?

Gen. EDWARDS. I had never heard of him at all. It seems that they felt that the War Department and Gen. Sniffen were quite hostile to him; that he had been sent there when he should not have been sent; when it was not quite his turn. They also told me that there was a Lieut. Col. Wallace who was his superior there who was prejudiced against him, and that they were not giving him a square deal.

The CHAIRMAN. Pardon me. Who made these representations?

Gen. EDWARDS. I can not define exactly. You see that was five years ago; but I know that Gov. Smith spoke to me about this man, also Mr. Gilbert and a man by the name of Maj. Hartigan, who is a lawyer in Manila, and I think Baudholtz—anyhow, quite a number of men. That is my impression which I am giving you. I do not know who personally said that to me. They also said—

The CHAIRMAN (interposing). Pardon me, again. Had you met Maj. Ray at that time?

Gen. EDWARDS. No, sir; I had not. I believe he asked to meet me, and wanted to meet the then Secretary of War, Mr. Taft. They also said they thought that Maj. Ray ought to come back here; that he would be of great political value.

Mr. DEFENDERFER. That is, that he ought to come back to the United States?

Gen. EDWARDS. Yes. They stated—and this is quite clear in my mind, these different things I am telling you—that Mr. Taft was misunderstood by labor here, and his judicial decisions were misinterpreted, and that Maj. Ray was an expert politician; that he had come to the notice of several prominent men; one man I remember they mentioned was Senator Mark Hanna, and I think they said Mr. Fairbanks had an interest in him.

The CHAIRMAN. In securing his appointment in the Army?

Gen. EDWARDS (continuing). And through their intercession he had been appointed a paymaster. You see, there were then only two avenues open for appointment, the Pay Department and the Judge Advocate General's Department.

The CHAIRMAN. Open for what?

Gen. EDWARDS. Open to civilian appointment. The rest of us all have to come from second lieutenants right up. And they said that having such an influence with the railway officials, as I understand it, conductors and firemen or trainmen's unions, and believing in Secretary Taft—I think he was a member of a conductors' union or association—that he would be of great value. I put these gentlemen off time and time again. Mr. Martin Egan who is now the proprietor of the Manila Times, was then a member of the party representing some press association, I think the New York Herald and one or two press associations, and they spoke to him a good deal about this man.

The CHAIRMAN. You say they spoke to him; to whom?

Gen. EDWARDS. He was a member of our party. A good many of the local people spoke to him. It seems, Mr. Helm, as I recall it, that there were some of these men who were quite interested in a local convention to select delegates to the Republican Convention.

The CHAIRMAN. When you say "some of these men," to whom do you refer?

Gen. EDWARDS. I mean the Americans in and about Manila who were Republicans. They had some call to select, I do not know what it was, delegates, I suppose. You see, there are two national committeemen, as I understand it, in the Philippines.

Another person I recollect who talked with me was Col. McCoy, a civilian and collector of customs of the Philippine Islands. He was a national committeeman then from the Philippines, and I think he is a national committeeman now, and knew Mr. Egan and all of them. Any way, they focused on me, and I said that I thought it would be very unwise to do anything of the kind, and said: "You certainly must not say anything to Secretary Taft about this." Finally, knowing that I had no official authority, they said: "Can you not inquire of your assistant, Col. McIntyre?" I said: "Yes; I will do it, if you wish." So I sent this private telegram to Col. McIntyre. About the time I sent it Maj. Ray called on me at the Palace and had a short talk with me, and he rather showed me that all these rumors about his unfair treatment, both here in Washington and there, had probably been inspired by him, and he believed them true.

The CHAIRMAN. Inspired by whom?

Gen. EDWARDS. By him, Ray; that he had told these friends he had made there.

The CHAIRMAN. What was the substance of his conversation?

Gen. EDWARDS. The substance of his conversation was about the unfair treatment he was getting from Col. Wallace and Gen. Sniffen, and he intimated to me that he knew the political game; that he was sure he could put labor straight. That is the general impression I have of the way he talked to me. I only saw him a short time. I was reluctant to see him, as I said, and made every excuse. I did not, as I recall, see him after that except casually at these different functions. I did notice, to substantiate what he said, that there was quite a feeling of shrinking away from him among some of the officer personnel. When I got this cablegram back from McIntyre and Sniffen and others, saying that he was not a desirable man, I dropped the matter.

The CHAIRMAN. Pardon me. How long had Maj. Ray been in the Philippine Islands at this time?

Gen. EDWARDS. I do not believe he had been there very long. You could verify that very easily, Mr. Helm. I think about seven or eight months or a year. I do not know exactly the time, but not very long. When I came back here I went to see Sniffen about this man, and he was violent in opposition.

The CHAIRMAN. Where is Gen. Sniffen now?

Gen. EDWARDS. He is here in town; at least, I saw him on the car the other day. He was quite violent about him, and said that there were two or three politicians, it seems, who were interested in keeping him here.

The CHAIRMAN. You mean in Washington?

Gen. EDWARDS. In this country. They were interested in keeping him here when he was ordered to the Philippines; that was the time he had had so much bother with him.

The CHAIRMAN. Did Gen. Sniffen give you the names of those politicians?

Gen. EDWARDS. I think that former Vice President Fairbanks was one of them. Gen. Sniffen stated "he would not stand hitched." I

believe he used that expression, and that he was constantly appealing to politicians for stations and preferment, and I also recall speaking to Gen. Bell about him, the then Chief of Staff. After that I had little officially to do with the major except when he was in Honolulu and sent these telegrams to me, and my replies to them. Now, I also have some hearsay knowledge and evidence. I know that Gen. Bell, when the major got his four months' leave—

The CHAIRMAN (interposing). What year?

Gen. EDWARDS. He got a four months' leave from the Philippines and came back. After he failed to get ordered here he came back at his own expense. I remember that he said that it was due to some friends who came to Gen. Bell, and his one idea was not to let the then Secretary of War, Mr. Taft, know anything about it.

The CHAIRMAN. Whose idea was that?

Gen. EDWARDS. Gen. Bell's, and I understand that he went direct to the then President, Mr. Roosevelt.

The CHAIRMAN. Who did?

Gen. EDWARDS. Gen. Bell. Then I also recall that he wanted a five months' extension or some long extension on half pay. For instance, an officer is allowed full pay for the allotted amount of leave. A man can save his leave up to four months and he can get five months if he takes a leave something like the 20th day of February—in other words, it is possible for a man to get five months' leave after he has been in the service 10 to 15 years.

The CHAIRMAN. How long had Maj. Ray been in the service?

Gen. EDWARDS. I do not know.

Mr. BULKLEY. Since 1898, I believe.

Gen. EDWARDS. I do not know how long he had been in the service. I think he had been in the service long enough to get that leave. Then came up the question of extending his leave, and I know that Gen. Bell spoke to me about the major. He was then in Chicago and was doing some political work.

The CHAIRMAN. Who was?

Gen. EDWARDS. Maj. Ray. He alleged to be on private leave, and he was doing some political work and wanted to get his leave extended. Then Mr. Taft had resigned as Secretary of War, and, I think, was at Augusta or some place of that kind, and Gen. Bell took the matter up with Secretary Wright, and he with President Roosevelt; at least that is what I was told at the time, and got the major's leave extended. Now, when a man gets his leave extended he goes to half pay. I have said that everything afterwards was hearsay. I want to qualify that in one way. I have a distinct recollection of an attempt being made to have the major stay here and not be returned to his proper station in the Philippines, and I did talk with Gen. Bell on that subject, because I had known him in the Philippines, and I said: "That man must go back to the status of leave, and return to the Philippine Islands," and Gen. Bell was decided about the thing; in fact, Gen. Bell had a little prejudice against the major.

Mr. BULKLEY. When was that conversation, General?

Gen. EDWARDS. That was at the expiration of his leave in reference to the question of his being ordered back to the Philippines.

Mr. DEFENDERFER. At the expiration of his four months' leave?

Gen. EDWARDS. No; four months plus five months. I think he had about eight months' leave in all.

Mr. BULKLEY. During the summer of 1908?

Gen. EDWARDS. Yes.

Mr. DIFENDERFER. Which brought the expiration of his leave up to some time in November?

Gen. EDWARDS. Yes. You see, if a man is ordered back, Mr. Difenderfer, he would get mileage back.

Mr. DIFENDERFER. Yes; I understand that.

Gen. EDWARDS. That was the point I was bringing out, and Gen. Bell was very clear about the matter, and made him go back at his own expense, or at least not at the Government's expense, and he went back on a Pacific liner and joined his station. Now, I have another recollection, although I have not the paper about it—

The CHAIRMAN (interposing). Pardon me a moment, General. You said a moment ago you had a distinct recollection of certain acts of Maj. Ray to avoid returning to the Philippines. What were those acts?

Gen. EDWARDS. I know there was a Mr. Clarke, who came to see me, and I think Mr. Clarke was president or vice president of the Conductors' Association, or something like that, and interceded for him.

Mr. BULKLEY. Do you remember Mr. Clarke's full name?

Gen. EDWARDS. No; I do not. I think you can find it, however. He was a very nice looking man, and I think you can get his name from the Conductors' Association or Union. He was the vice president.

Mr. BULKLEY. You do not remember the name of the organization?

Gen. EDWARDS. It had something to do with conductors. Then I know that Gen. Bell spoke to me about it, and I recall going to Gen. Wright. I had no knowledge of the major, or anything else, except that I knew he was performing political services for the party out there while he was on leave. When I heard about his going back—I do not know who told me or anything of that kind—I said: "This man came here at his own expense, and it would create great criticism if he should go back at the Government's expense." I remember interjecting myself on that point, which is the only time I did do so that summer, and he went back. I heard generally, that he made every effort to stay here, and his one idea was to be stationed in Chicago, as he showed me in these letters and telegrams, and claimed he desired the special services of a doctor there, a Dr. Menge, I believe, who was the surgeon able to give his wife relief.

Mr. BULKLEY. Do you know anything about that Dr. Menge?

Gen. EDWARDS. No; I do not know a thing about him. I have some papers here about it.

The CHAIRMAN. General, you said you had a distinct recollection of some acts of Maj. Ray. What was he doing?

Gen. EDWARDS. Some acts of his?

The CHAIRMAN. That is what I understood you to state.

Gen. EDWARDS. Did I say that?

The CHAIRMAN. The stenographer will read your statement.

The stenographer read as follows:

Gen. EDWARDS. * * * I have said that everything afterwards was hearsay. I want to qualify that in one way. I have a distinct recollection of an attempt being made to have the major stay here and not be returned to his proper station in the Philippines. * * *

Gen. EDWARDS. I ought to qualify that a little, because outside of this visit of Mr. Clarke's I do not have first-hand information, and I do not know when that visit was made. But Gen. Bell or Gen. Sniffen or somebody told me about the efforts he was making, as evidenced by requests from friends of his. I should qualify that statement in that because outside of that visit of Clarke's I have no knowledge. I don't think I saw Maj. Ray at all during the campaign. I saw him afterwards, but it was when he was on his way to Atlanta. That was quite a time afterwards. I know at that time, when he went to Atlanta, he came in to see me after seeing Gen. Bell, and I told him that in his own interest, let alone anybody else's, he ought not to go to Chicago, and he ought to go to Atlanta. I was telling him that as an outside man giving him my best advice. I recall that, but that was a long while afterwards. That was after he had come back from Honolulu.

The CHAIRMAN. Why should he come to the Bureau of Insular Affairs on a matter of this kind, General?

Gen. EDWARDS. Well, because I had met him in the Philippine Islands, I suppose, and he knew what a devoted friend I was of President Taft's. They would be the two logical reasons.

Mr. BULKLEY. General, going back to the autumn of 1907, when you were in the Philippines with the party of the then Secretary of War, and referring to those conversations which you have related you had with certain citizens there, did I understand you to say that you cautioned them not to bring the matter of Maj. Ray to the attention of Mr. Taft?

Gen. EDWARDS. I did.

Mr. BULKLEY. And do you know whether they ever did talk with Mr. Taft about it?

Gen. EDWARDS. I am not sure, but I think they did after nothing was done in the matter.

Mr. BULKLEY. That is, after your cablegram?

Gen. EDWARDS. After my cablegram, I think one or two men went and spoke very enthusiastically about this Maj. Ray and the bad deal he was getting.

Mr. BULKLEY. Then, in a general way, the complaint about his bad deal and all the comments that were favorable to Maj. Ray came from civilians, as I understand it?

Gen. EDWARDS. Yes; civilians, generally, not military men.

Mr. BULKLEY. You found, in general, that the military men did not like him, did you?

Gen. EDWARDS. There was great prejudice against him on the part of four or five military men. I say "great prejudice"; let me qualify that. There was a feeling of intolerance about him. They felt he ought not to have been appointed; that he was not of the caliber of man that should be made a commissioned officer.

The CHAIRMAN. Did you ever discover any basis for that prejudice or intolerance, General?

Gen. EDWARDS. I would rather not go into that. I would be perfectly willing to tell you gentlemen my personal feeling about him, but I do not know that it is pertinent. I would be very glad to tell you gentlemen, but I would rather not have it go on the record. However, I am officer and any information I have you are entitled to. I will say this, it was a mistake to have appointed him to a com-

missioned office in the Army. An officer is not worth a hang if he comes into the Army for the pay or the salary that is in it. If he is worth a hang, he can get 10 times more salary outside. Therefore, if he does not come into the Army with the idea of a day's duty for duty's sake, he ought not to be in it, leaving out the certain refinements and other things that should be the attributes of an officer and a gentleman. I thought his standards were different.

NOTE.—The above reply was not intended by me as evidence to be entered in the proceedings. It did not express fully my recollection of my impressions of this officer, and was interjected with remarks of members of the committee which do not appear in the record. However, due to the courtesy of the committee, I am authorized, and do submit, in substitution for the above answer, the following:

I do not think personal view, which would be a recollection of an impression gained by a brief acquaintance of about five years ago, would be pertinent or accurate in this respect; nor do I think that I should be called on to give it at this time. However, as the committee desires it, I would state, in justice to Maj. Ray, that the Governor General of the Philippine Islands when Maj. Ray was there, and several of the highest officials in Manila, spoke in high terms of him; I heard from them nothing but good. They claimed that he did not seem to have some of the narrow limitations in mixing with civilians that were attributed to some of the Regular Army officers. He impressed me as a good-looking, well-set-up man, with a demeanor less constrained to high civilian officials than is common to the general run of officers. I felt that he did not have that hesitancy as to connection with political affairs that generally obtains in the Army, and that the course of conduct which was considered perfectly proper as among civilians, and civilian relations to Army officers, was his standard, rather than that which becomes second nature to a man who has entered the Army as a second lieutenant. He appeared earnest and forceful, and when he thought he was right was quite determined. He showed me that he earnestly felt that he was aggrieved at his treatment by certain high officials of his corps, and that he truly felt that he had just cause for complaint.

THE CHAIRMAN. Are there many officers of the Maj. Ray type in the Army?

Gen. EDWARDS. Few, sir.

Mr. BULKLEY. General, prior to your sending the cablegram which you sent from Manila to Col. McIntyre, had you discussed the matter at all with the Secretary of War?

Gen. EDWARDS. No, sir; not at all, and the reason I recollect is because for manifest reasons I did not discuss it.

Mr. BULKLEY. Do you remember to what extent he was at that time an avowed candidate for the presidency?

Gen. EDWARDS. Yes; I do. He was not an avowed candidate. That is, I was with him every day, and——

THE CHAIRMAN (interposing). But he was in a very receptive attitude at the time, was he not?

Gen. EDWARDS. Well, this is what I recollect. The President thought there were certain disqualifications as a candidate which he had. He was very modest about it.

Mr. BULKLEY. That is, Mr. Taft himself thought he had certain disqualifications?

Gen. EDWARDS. Yes; there is no question about it. All of his intimate friends know that he would 100 per cent rather have gone on the bench than to have been a candidate. He was reluctant about it, and in that way I should not call him an avowed candidate.

Mr. BULKLEY. His candidacy had been somewhat discussed before he left, had it not?

Gen. EDWARDS. Oh, a great deal.

Mr. BULKLEY. And to a certain extent advocated by the President, was it not?

Gen. EDWARDS. Well, I am trying to think. I know that when his candidacy was spoken of he just waved it aside and smiled. I did not see him raise his hand to make any effort to get it, and his whole action in the matter was that of a very modest man.

Mr. BULKLEY. General, these people who talked to you in Manila about Maj. Ray being able to set Mr. Taft straight with labor had in mind his presidential campaign, had they not?

Gen. EDWARDS. Yes; I think so. They were very keen that Mr. Taft should become the candidate on account of their interest in the Philippines.

The CHAIRMAN. On what account, General?

Gen. EDWARDS. On account of their interest in the Philippines and that great problem.

Mr. BULKLEY. I take it that the people in Manila generally were for him?

Gen. EDWARDS. Yes; and they were hopeful about it. I know that a good many expressed the doubt as to whether he would accept it.

Mr. BULKLEY. Did they explain to you how they happened to talk with you about this matter?

Gen. EDWARDS. Well, I was with him, the only one who was with him who came from America, and naturally I had been associated with the Philippines all the time, knew all these men, and in the Volunteers all through the campaign with most of them.

Mr. BULKLEY. And these gentlemen assumed that you would have a common interest with them in promoting Mr. Taft's candidacy?

Gen. EDWARDS. Yes; there is no doubt about that.

The CHAIRMAN. You have stated that you were with the Secretary of War at this time in the Philippines?

Gen. EDWARDS. Yes, sir.

Mr. BULKLEY. I would like to ask just one more question about this. In the course of these conversations you had with citizens of Manila and with Maj. Ray, did they tell you about the political work he had done before that?

Gen. EDWARDS. Oh, yes; at least they claimed he had done valuable work in campaigns before.

Mr. BULKLEY. As near as you can recollect, what did they say about the previous campaigns?

Gen. EDWARDS. I believe they said that the Conductors' Association or Union—what do they call it?

Mr. BULKLEY. I do not remember the name.

Gen. EDWARDS. That they had great confidence in him; that he was a very popular man among them; that he was an excellent organizer and worker; and that he had been sent there outside of his time; and I said that that was not the function of an officer, and they claimed that because a man took the veil and went into the Army they did not think that took away his constitutional privilege of working for a candidate and voting as he saw fit. You know the old Army, Mr. Bulkley, has a tradition not to vote, not to exercise the franchise; that they are subordinate to whoever is in power, and they feel they should not participate in such matters. There is another school in the Army that feels that while a man swears himself in for life, he need not give up his constitutional privileges as an American citizen; but there is a great feeling in the Army that a man, outside

of his personal friendships, should not participate at all in any campaign on either side.

Mr. BULKLEY. Did Maj. Ray represent to you that he had done valuable service in the Roosevelt campaign in 1904?

Gen. EDWARDS. He certainly gave me the idea that he had done very valuable service in campaigns before. Now, whether it was during the McKinley campaign or the Roosevelt campaign I am not sure.

Mr. BULKLEY. It might have been both?

Gen. EDWARDS. It might have been both; yes.

Mr. BULKLEY. But he did personally claim to have done good work?

Gen. EDWARDS. Oh, yes; at least, that is my impression. It has been a long time now, but that is the distinct impression I have to-day.

Mr. DIFENDERFER. General, after his extra leave had expired, did Maj. Ray return to the Philippines?

Gen. EDWARDS. Yes, sir.

Mr. DIFENDERFER. Were you there at that time?

Gen. EDWARDS. No, sir; I was here.

Mr. DIFENDERFER. Do you know whether or not he personally paid his passage to the Philippines from Chicago?

Gen. EDWARDS. I know that the Government did not pay it, sir. I do not know whether he did or not. I have not any knowledge about that.

Mr. DIFENDERFER. That was his second trip to the Philippines, was it not?

Gen. EDWARDS. I think it was; yes.

The CHAIRMAN. General, the Chief of Staff has no authority of his own, has he?

Gen. EDWARDS. None whatever, except he is in command of the General Staff, of which he is the head. You see the distinction.

The CHAIRMAN. All the orders are issued in the name and by the authority of the Secretary of War?

Gen. EDWARDS. Yes.

The CHAIRMAN. You being with the Secretary of War in the Philippines, why did you telegraph to Maj. McIntyre, now Col. McIntyre, to see the Chief of Staff?

Gen. EDWARDS. The point about that, Mr. Helm, was that I had no authority to issue any orders, and neither did Col. McIntyre, as far as the detail of an Army officer went, and therefore he could have gone in and found out from Gen. Bell and Gen. Sniffen or Gen. Whipple whether he could be detailed or not.

The CHAIRMAN. The point I am trying to get at is——

Gen. EDWARDS (interposing). The point is this: He would go to the Acting Secretary of War here.

The CHAIRMAN. Could not the Secretary of War have ordered done what you requested?

Gen. EDWARDS. Certainly he could, just as easily as could be, if I had gone to Mr. Taft.

The CHAIRMAN. Was he not the proper one to make that application to?

Gen. EDWARDS. Surely, if he would have done it; but I knew very well he would not do it.

The CHAIRMAN. Then why did you cable the Chief of Staff to do something that you knew the Secretary of War would not stand for?

Gen. EDWARDS. Because there was an Acting Secretary of War here and it could be done without Mr. Taft's knowledge and be in accord with all these friends of Mr. Taft.

The CHAIRMAN. Did you desire to have something done that you thought would be distasteful and not approved of by the Secretary of War?

Gen. EDWARDS. Well, you might put it in that way, Mr. Helm, but I was trying to do something for a whole lot of friends of Mr. Taft without his knowledge. When they sent word back to me that he was not a proper man, I dropped the matter from that time until I went to Gen. Bell about it on my return and told him my hands were washed of the thing.

The CHAIRMAN. Why should you have requested McIntyre to do this confidentially?

Gen. EDWARDS. Because I did not want anybody to know anything about it.

The CHAIRMAN. Why?

Gen. EDWARDS. Well, the point is simply this, I did not want anybody, I suppose—let me see, I am trying to find out exactly what is in my own mind. Here is the truth of the case. I was transmitting a request of a whole lot of men there who were pressing for Ray, and I was doing it reluctantly. If it was going to be done, I wanted to have the idea that it would come from here and not with Mr. Taft's knowledge at all, as I knew he knew nothing about it. In other words, if the Chief of Staff, which is the same thing as the Acting Secretary of War, because naturally in ninety cases out of a hundred he can not go to the Secretary of War about a matter of detail, if he would take the responsibility and detail this man here it would be in accord with the wishes of all those people out there, and Mr. Taft would know nothing about it. You see the Secretary of War was away from Washington, and if the order had emanated from Washington it would have been perfectly proper, just as if you gentlemen should come up and try to secure a recruiting detail for some friend of yours at any time.

The CHAIRMAN. Which I have never done.

Gen. EDWARDS. Then you are an exception to the rest of Congress.

The CHAIRMAN. In this cablegram you further say "Fix it up with him." What do you mean by "Fix it up"? What had to be done?

Gen. EDWARDS. "Fix it up," I think, is a cipher word; that is, "go and ask them if they won't agree to it," I suppose, if you give the worst meaning to it; and they did not agree to it.

Mr. SPEER. Is it not a fact, too, General, that the Army officers there in the Philippines would have been glad to have had Maj. Ray sent back?

Gen. EDWARDS. A good many of them; yes.

The CHAIRMAN. But that was not the underlying reason for the sending of this cablegram, was it?

Gen. EDWARDS. No; I was trying to do something for a whole lot of friends.

The CHAIRMAN. Why did you think this would create excitement?

Gen. EDWARDS. What do you mean by "create excitement"?

The CHAIRMAN. "Without exciting comment," it says here.

Gen. EDWARDS. Well, it has been a long time, but as I have told you, Maj. Ray spoke about his political activity in former campaigns, and I suppose I had that in mind. In other words, I was trying to get this done and have the order emanate from here.

Mr. DIFENDERFER. You did not care to lose his services during the campaign; that was it, was it not?

Gen. EDWARDS. Yes; I think that is it. No; let me describe it in this way: I will say that I would have been keen to have him do anything he could to aid Mr. Taft, because there is no more devoted admirer of Mr. Taft in the United States than I am, so I do not want to deny that, but the cause was that I was doing something for a whole lot of my friends out there whom I thought were loyal and devoted to Mr. Taft, and doing it without Mr. Taft's knowledge. I never would have sent that cablegram on my own inspiration, based on what Ray had told me as to what he could do.

The CHAIRMAN. Do you recall at any time having any conversation with the Secretary of War regarding this man Ray?

Gen. EDWARDS. Yes.

The CHAIRMAN. Do you know what that conversation was?

Gen. EDWARDS. Yes; I remember after I got this word back that I suggested to the Secretary of War that I doubted whether he would be of much—let me think just what I did say to him—I spoke to the Secretary of War, I think, coming back on the Russian Siberian Railroad that the Major was politically insistent, and I thought it was a mistake in the Army. I recall that.

The CHAIRMAN. Were all these conclusions formed before you sent this cablegram or afterwards?

Gen. EDWARDS. Well, I think it was crystallized, anyhow, afterwards. It has been a long time ago. I remember I had a little shrinking from the man, although his friends spoke so beautifully about him; but when I got this word from McIntyre, I dropped it.

The CHAIRMAN. Was not this quite an unusual cablegram to send?

Gen. EDWARDS. Very.

The CHAIRMAN. General, you have spoken of schools of politics: that is, two schools in the Army, the old and the new?

Gen. EDWARDS. Yes, sir.

The CHAIRMAN. Which one do you belong to, General?

Gen. EDWARDS. Well, I think that I have a good deal of sympathy with the first school, but if my vote would do any good to the candidate I thought ought to be elected, I would not hesitate to use it. I do not think that an officer should enter into politics.

Mr. DIFENDERFER. I want to carry out a little further my line of questioning. How long, subsequent to the sending of this telegram, was it before you spoke to Mr. Taft about Maj. Ray? You spoke of the Russian-Siberian Railroad.

Gen. EDWARDS. I do not recall any other conversation.

Mr. DIFENDERFER. Did you have any conversation with Mr. Taft prior to your sending this telegram relative to Maj. Ray?

Gen. EDWARDS. No, sir; at least I do not recall it.

Mr. DIFENDERFER. And none after these civilians spoke to you favorably about Ray?

Gen. EDWARDS. Do you mean as to coming here, and about his general character? I think I said that he was very persistent.

Mr. DIFENDERFER. You said that to Mr. Taft?

Gen. EDWARDS. Yes, sir; that is my recollection.

Mr. DIFENDERFER. Do you recall Mr. Taft's reply to you?

Gen. EDWARDS. No, sir; I do not.

Mr. DIFENDERFER. Did he leave the impression with you that he in any way favored Maj. Ray?

Gen. EDWARDS. Do you mean right after that?

Mr. DIFENDERFER. During your conversation with him before sending this cablegram.

Gen. EDWARDS. No, sir; I did not get any such idea.

Mr. DIFENDERFER. You had knowledge of certain charges having been made against Maj. Ray at the time the civilians spoke to you?

Gen. EDWARDS. No, sir; there were no charges.

Mr. DIFENDERFER. This was before the charges had been made against him?

Gen. EDWARDS. Yes, sir. These charges were made after Maj. Ray had returned to the Philippine Islands.

Mr. DIFENDERFER. The second time?

Gen. EDWARDS. Yes, sir; and I know that the President knew nothing about those charges. I have heard that he knew nothing about them. I have not seen him for two or three months except to go by him in receptions. That matter was all held between Gen. Bell and Gen. Wright, the Secretary of War.

Mr. BULKLEY. You say that you have not seen the President during the last two or three months?

Gen. EDWARDS. I do not believe he had the slightest knowledge of these charges until this investigation probably started. That is my belief, although I think I have not seen the President this winter at all, except to go by and shake hands.

Mr. BULKLEY. Upon what do you base that belief?

Gen. EDWARDS. Gen. Crowder told me he did not. The Judge Advocate General said he did not.

Mr. BULKLEY. Did you talk with him?

Gen. EDWARDS. He told me so. I suppose I did talk with him.

The CHAIRMAN. When was that conversation with Gen. Crowder?

Gen. EDWARDS. You see, Mr. Bulkley, all this question of charges was after Mr. Taft resigned as Secretary of War, and there never was an officer who more faithfully fulfilled the ideal of Chief of Staff toward his chief than did Gen. Bell toward Mr. Taft. He was perfectly devoted to him, and I know that he would not involve him in any decision or knowledge of any kind about this man. So that makes me believe that that is probably true. You asked if he knew about the charges—about these women charges —

Mr. BULKLEY (interposing). I was referring to the other.

Mr. DIFENDERFER. You say that you had formed your estimate of this man Ray before these civilians made their appeal for his retention or to be sent to Chicago?

Gen. EDWARDS. No, sir; I did not say that. I said this: I said that I heard nothing of him except good, but I had a little of what you might call feminine intuition that he was not quite to the manner born, and that he had a lot of prejudices.

Mr. DIFENDERFER. What was it that gave you that impression?

Gen. EDWARDS. His manner, sir.

Mr. DIFENDERFER. And not any act of his?

Gen. EDWARDS. No, sir; I do not think I saw him more than 10 minutes of the time I was in the Philippine Islands. I only talked with him once, and only for a moment or so. I never dined near him. Out there it is a liver campaign; you are going for 20 hours out of the 24, when out there, with royalty.

Mr. DIFENDERFER. You had the impression, however, that he was a politician, did you not, employed in the Army?

Gen. EDWARDS. I must not cast a reflection on the politicians, Mr. Difenderfer. I had an idea that his ideas were a little bit different—were officially different—as to the relations between officers.

The CHAIRMAN. From what point of view did these friends who came to you discuss him?

Gen. EDWARDS. They spoke about many of the officers as being rather narrow in their estimate of human affairs, and this man had helped with the carnival, and he was a good mixer, and they were very fearful that he might be sent away from Manila and not be there to help them with the carnival. They feared he might go to Mindanao or some other place.

The CHAIRMAN. Was that the motive or reason why you sent this telegram, fearing that he might leave Manila?

Gen. EDWARDS. Not at all. You were just asking me about what these gentlemen said about this man, and how I happened to get the impression. I have told you very frankly the various reasons that they assigned.

The CHAIRMAN. There was a resolution introduced by Representative Covington, calling for certain papers, and certain papers were sent purporting to be all the papers appearing to have a bearing upon the case of Maj. Beecher B. Ray. Subsequently, some other papers were found. Can you tell the committee where they were found, if you know?

Gen. EDWARDS. Can I tell you where they were found?

The CHAIRMAN. Yes, sir.

Gen. EDWARDS. I have every reason to believe that they were found in my office, which I can explain.

The CHAIRMAN. Can you tell the committee when they were found, that is, the day?

Gen. EDWARDS. They were found on Sunday of the week they came up here. When did they come here, Tuesday or Wednesday?

Mr. BULKLEY. The letter of transmittal is dated February 20.

Gen. EDWARDS. It would be the Sunday before that.

Mr. BULKLEY. Then, you would say they were found on the 18th?

Gen. EDWARDS. Yes, sir, they were found on Saturday, and I saw them on Sunday. That was the first time I saw them.

The CHAIRMAN. They were found on Saturday, the 17th of February, 1912?

Mr. DIFENDERFER. You said you found them on Sunday, the 18th of February, did you not?

The CHAIRMAN. Who found them, General?

Gen. EDWARDS. Let me explain, because it will save a lot of questions. I saw on Saturday, in the Star, the allegation that I was to be served with a summons or subpoena duces tecum to produce all the papers in the Ray case, and that Mr. Charles P. Taft and somebody else would be summoned. I asked my stenographer if I had any papers and he brought them in in an envelope. He brought them

to me, and I said, "I will go over them. Send them to my house; I will go over them Sunday morning." I opened these papers, and the first thing that came to my notice was that [indicating]. There were these papers and this [indicating].

The CHAIRMAN. Kindly read that into the record.

Gen. EDWARDS. It is a small memorandum pad, headed:

MEMORANDUM FOR OFFICE CHIEF OF STAFF.

WAR DEPARTMENT, April 20, 1910.

Received this day from Maj. Gen. J. Franklin Bell, United States Army, Chief of Staff, all papers and correspondence in his possession relating to Maj. Beecher B. Ray, Pay Department, United States Army, in sealed packages. Contents unknown.

The word "copy" is stamped on the face of the paper in red ink, and the words "in sealed packages" is written with ink.

The CHAIRMAN. Is it signed?

Gen. EDWARDS. No, sir; it is not signed.

The CHAIRMAN. Is it all in type?

Gen. EDWARDS. No, sir; down below are the words "contents unknown." I have written that in since, due to information that I got. It appears that on April 20 a package came from Gen. Bell—

The CHAIRMAN. April 20 of what year?

Gen. EDWARDS. 1910. As I said, a package came from Gen. Bell just as he was leaving for the Philippines. I did not see Gen. Bell, and got a letter from him afterwards regretting that he did not see me, and I wrote him to the same effect. It appears that while my office was full of people this package of letters was brought in. It was put up in a yellow package, and it appears that I said to the clerk, "What are they?" I wrote this down, and I understand that the original is in Gen. Bell's possession—that is, the original of this signed by me, or written out over my name, "contents unknown." He said it was in his possession, but that would have to be verified by cable or something of that kind.

The CHAIRMAN. When did you get that information?

Gen. EDWARDS. Just recently. I had my secretary to go in and ask about it, and it seems that the clerk states, or, at least, it was so reported to me, that I said, "What are these?" He said, "They are papers of Gen. Bell," and that I tossed them over to my secretary or stenographer and wrote down the words "contents unknown," and signed my name to it.

The CHAIRMAN. Now, what did you have reference to there a moment ago?

Gen. EDWARDS. I beg your pardon. It was this—it seems that when the clerk came it that I said, "What are these?" and that he said, "They are papers from Gen. Bell."

The CHAIRMAN. I do not quite get the connection there.

Mr. SPEER. You are referring to the time the papers came in?

Gen. EDWARDS. Yes, sir; I tried to find out when they were left with me. I had forgotten all about it, and I had my stenographer to go in and inquire about it, and it seems that Gen. Bell's clerk said that I said, "What are these?" and that he said, "They are papers belonging to Gen. Bell," and that I then wrote out the words "contents unknown," and signed my name. Gen. Bell probably has that receipt in his possession.

Mr. BULKLEY. Are you speaking now from what Gen. Bell's clerk stated to you?

Gen. EDWARDS. Yes, sir.

Mr. BULKLEY. And not from your own recollection?

Gen. EDWARDS. No, sir; but from what my clerk says Gen. Bell's clerk said.

Mr. BULKLEY. You referred to sealed packages; how many packages were there?

Gen. EDWARDS. I saw the package, and that is the wrapper. It was about that thick [indicating].

Mr. BULKLEY. About 3 inches thick?

Gen. EDWARDS. Yes, sir; and about that long and about that wide [indicating]. It was about the size of an official envelope, and was about 3 inches thick—that is just about it. It was closely wrapped with twine. It looked like fishing twine, with about eight or ten wrappings lengthwise, or longitudinally, and transversely. I immediately went to the telephone and reported it to the Secretary of War, and he said, "What are they?" I said, "I do not know." He said, "Have you opened them?" I said, "I have not." I said, "I officially report to you that they are here," and he ordered me to turn them over to the Judge Advocate General, and they were turned over to him without my seeing them. In fact, I have never seen them except as they appeared in the printed record, and I have not read that. They were all copied and sent up here, and, as I understand it, there were some in the other package that were private matters of Gen. Bell, and they have been sent back to him. I did not touch them or look at them, or hardly put my hands on them. Now, it said, "sealed packages," but it appears that while the string was tied very carefully, it did not have a seal on it, and there was no reason why it could not be opened and read. Gen. Crowder told me that there was nothing in them but what had been published, except some cablegrams from Gen. Bell to Gen. Bliss.

The CHAIRMAN. When did he tell you that?

Gen. EDWARDS. The next morning afterwards, or something like that.

The CHAIRMAN. Do you know what time of day they were discovered? That was on Sunday.

Gen. EDWARDS. When I say "discovered," Mr. Helm, they were right there in my office all the time, and I had utterly forgotten about them. I thought I remembered that Gen. Bell had stated that he would leave some papers, and said that he was afraid to leave them with anybody else because hostile use might be made of them. That is as far as my recollection goes. I have not communicated with Gen. Bell since.

The CHAIRMAN. And you have no further knowledge of it?

Gen. EDWARDS. No, sir.

Mr. BULKLEY. Who did the work of segregating these papers and picking out those that belonged to Gen. Bell personally?

Gen. EDWARDS. Gen. Crowder.

The CHAIRMAN. When was that done?

Gen. EDWARDS. They were turned over to him Sunday, and I suppose it was done Monday. I had no participation in that.

The CHAIRMAN. These were official records, were they not?

Gen. EDWARDS. I do not know, sir, except that I have heard what Gen. Crowder told me, that they were all official papers that went through The Adjutant General's Office and went to the Philippines, and were ordered returned here by Gen. Bell, and therefore had been published, either by a brief or in full, except some cablegrams from Gen. Bell to Gen. Bliss and from Gen. Bliss to Gen. Bell. I did not see them and did not look at them.

The CHAIRMAN. Where are these cablegrams now?

Gen. EDWARDS. They were sent up here. Will you give me the last part of the record?

Mr. BULKLEY. That is the bundle of papers?

The CHAIRMAN. Pardon me, General; I understood you to say that Gen. Crowder went through the papers and segregated them, and that some were sent and some were retained. I was seeking to ascertain where are the papers that were segregated and not sent.

Gen. EDWARDS. In that package there, I believe; they are all official papers, and the papers in the other package, as I understand it, were private papers of Gen. Bell, and were returned to him.

Mr. DIFENDERFER. Do you know whether or not they had a bearing upon the Ray case—that is, the private papers?

Gen. EDWARDS. I assume they did; I did not look at them.

The CHAIRMAN. Is it your information that they have been returned to Gen. Bell?

Gen. EDWARDS. Yes, sir.

The CHAIRMAN. When and by whom?

Gen. EDWARDS. I do not know, sir.

Mr. BULKLEY. Were there one or two packages in your office?

Gen. EDWARDS. There was that package done up and there was another package. I did not look at either one of them. They told me that everything in any way official was sent up here.

Mr. BULKLEY. In any case, everything you found was turned over to Gen. Crowder?

Gen. EDWARDS. Yes, sir.

The CHAIRMAN. Was this the proper place for these papers to have been?

Gen. EDWARDS. I think they were properly in the custody of the War Department. I do not think they were entered on the files proper—that is, I mean they were not given a return file number. I anticipate that they must have been taken out of Gen. Bell's desk, and I had them placed in a filing case.

The CHAIRMAN. If they were taken out of his desk, he did not evidently send them to The Adjutant General's Office. There is no question about that.

Mr. DIFENDERFER. The Adjutant General is the custodian of the records, is he not?

Gen. EDWARDS. It is a question. There are a great many records in the office of the Chief of Staff. It is presumable that he ought to have turned these over to the next Chief of Staff or to The Adjutant General. That is what I would say.

Mr. BULKLEY. You received them as an act of personal accommodation to Gen. Bell?

Gen. EDWARDS. Yes, sir; that is what I evidently did; but I have no recollection about it.

Mr. DIFENDERFER. These private papers you speak of, having a bearing on the Ray case, and which were returned to Gen. Bell, are not a part of the record now, are they?

Gen. EDWARDS. I fancy not. I do not know what is in the record; I have not read it over. I was only told that everything that could be in any way official had been sent here.

Mr. DIFENDERFER. We would like to have more than what is official. We would like to have that private correspondence relative to Maj. Ray.

Gen. EDWARDS. Well, such private correspondence as I have is here, and you can read it.

The CHAIRMAN. I do not suppose any copies were kept of the papers returned?

Gen. EDWARDS. I fancy not. I have not heard of anything of that kind.

The CHAIRMAN. I understood you to say a moment ago that you supposed these papers that have been referred to were taken from Gen. Bell's desk. Do you also suppose that the memorandum which you read into the record was prepared by the person who took these papers from his desk?

Gen. EDWARDS. That is the means that all officers use.

The CHAIRMAN. Well, the person who took the papers from the desk must have been an officer?

Gen. EDWARDS. I assume that it was Gen. Bell himself.

The CHAIRMAN. I understood you to say a moment ago that some one must have taken these papers from Gen. Bell's office, and, as I gather from your statement, that he brought them to you or to your office?

Gen. EDWARDS. I think that was a clerk or messenger.

Mr. DIFENDERFER. Had Gen. Crowder anything to do with the separation of these papers?

Gen. EDWARDS. Gen. Crowder was directed by the Secretary of War to take all these papers and investigate and see if disciplinary action would lie against Maj. Ray.

Mr. DIFENDERFER. And then he uses his judgment as to what should be handed to you and what should go back to Gen. Bell?

Gen. EDWARDS. Yes, sir; but it was not handed to me. I did not take them. They were put in the files. They were returned to the files of The Adjutant General's office.

Mr. DIFENDERFER. Then, Gen. Crowder was the censor in this matter?

Gen. EDWARDS. Yes, sir; I think so—for the Secretary of War, I suppose.

Mr. DIFENDERFER. Where is Gen. Crowder now?

Gen. EDWARDS. He is in the War Department.

The CHAIRMAN. Why should these papers have been transmitted to him, General?

Gen. EDWARDS. Because the Secretary of War gave the orders. It was a question of the trial of Maj. Ray, as I understand.

The CHAIRMAN. At the time they were discovered here?

Gen. EDWARDS. Yes, sir; he gave the order to Gen. Crowder, or gave me the orders.

Mr. DIFENDERFER. Who gave the orders?

Gen. EDWARDS. The Secretary of War gave me orders to turn these papers over to Gen. Crowder to see whether any disciplinary action would lie. That was the next day.

The CHAIRMAN. On Sunday?

Gen. EDWARDS. On Monday, for the first time; I found that the resolution had passed Congress, calling for the Ray papers. When the resolution was passed I was in Cleveland, and took the train to go and join the Secretary of War, and went to Panama with him. Therefore when the resolution was made and referred to the War Department and when it was returned I was down in Panama with the Secretary of War. Col. McIntyre, my assistant, was in Montgomery, Ala., at the bedside of a son who had typhoid fever, and Maj. Shelton, my second assistant, was in charge of the office. I knew nothing about it. Then, when it became known in the War Department, I suppose Gen. Crowder reported to the Secretary of War that there were some additional papers here and that this resolution had been answered. Immediately he gave the order.

The CHAIRMAN. There was some comment about it in the newspapers, was there not?

Gen. EDWARDS. Yes, sir; but that was not of any significance to me at all. I saw these papers. Well, the next morning when I saw this thing in the Post—I saw something about certain-concealed papers and that some official had informed you up here that there were such papers, and so I did see the significance there.

Mr. DIFENDERFER. When Gen. Crowder culled these papers, taking from the files or from these packages the private correspondence, where was Gen. Bell located?

Gen. EDWARDS. In Manila.

Mr. DIFENDERFER. Do you know whether or not these private papers were sent by Gen. Crowder to Gen. Bell after he culled them out?

Gen. EDWARDS. I do not know, sir.

Mr. DIFENDERFER. Have you any reason to believe that he did?

Gen. EDWARDS. I understood that they were sent to Gen. Bell. Gen. Wood told me.

Mr. DIFENDERFER. Now, do you believe that Gen. Bell is in possession of these private papers?

Gen. EDWARDS. Well, it takes a month to go there; he is in Manila.

The CHAIRMAN. Did you receive any cablegrams from Gen. Bell?

Gen. EDWARDS. No, sir; nor sent him any, directly or indirectly.

The CHAIRMAN. When a resolution like this Covington resolution passes the House, calling for such papers, and reaches the Secretary of War, what disposition, if any, does he make of such a resolution?

Gen. EDWARDS. The *modus operandi* there is to have a transcript of the resolution made and sent to every chief of a bureau.

The CHAIRMAN. Would that reach you?

Gen. EDWARDS. It would, and I asked Maj. Shelton, "Do you know anything about the Ray resolution?" He said, "No." I sent to The Adjutant General's Office, and found that they had sent it to the record office, and, as there was nothing in the record office, they made a reply to that effect. Now, if I had been at home, whether there would have been anything different or not in that answer, I do not know. I think I would have been inclined to look around and

see if I had any information, but I do not think I would, because when that came to my notice I recollected that Gen. Bell had said something to me about this, and I had a hazy idea of it. If I had seen that resolution, I would have sent it to the record office to make answer as to what they had.

The CHAIRMAN. Would the order of the Secretary of War have attracted your attention as much as the newspaper comment would have done?

Gen. EDWARDS. Yes, sir; and a lot more than any newspaper comment or any newspaper article.

The CHAIRMAN. I may be wrong, but I so understood, that seeing the newspaper article was what put you to looking for the papers.

Gen. EDWARDS. Surely; but I did not hear and did not know anything about the resolution and the Ray business, because I was in Panama at the time. Certainly, the order of the Secretary of War would have had twice the influence on me.

Mr. BULKLEY. A few moments ago you related what a clerk told you was the recollection of Gen. Bell's clerk in regard to your action at the time these papers came into your office. Who is that clerk?

Gen. EDWARDS. I do not know, but I can find out who he is.

Mr. BULKLEY. Who is your clerk?

Gen. EDWARDS. Mr. Brock is my stenographer.

Mr. BULKLEY. Was he in your office at the time these papers came in; that is, in April, 1910?

Gen. EDWARDS. I think he was.

Mr. BULKLEY. But he was not telling you his own recollection?

Gen. EDWARDS. No, sir; but what this man repeated to him.

Mr. BULKLEY. Then, the clerk who came from Gen. Bell's office—is he at the department now?

Gen. EDWARDS. I think they said he was in the Post Office Department. I do not know what his name is, but I can get it for you.

Mr. DIFENDERFER. General, take the case of an officer selecting private from public documents—how could such an officer discriminate as between what was private or what was governmental or official?

Gen. EDWARDS. It is all distinctly marked that way.

Mr. DIFENDERFER. These communications are marked?

Gen. EDWARDS. Yes, sir.

Mr. DIFENDERFER. But when these papers had a bearing upon this particular case, how could they be private? If they had a bearing upon the Ray case—that is, both the private and official papers—

The CHAIRMAN (interposing). In other words, what were the private papers doing in a public record?

Gen. EDWARDS. They were not in a public record. They were not in that package at all.

Mr. DIFENDERFER. Were they put up in separate packages?

Gen. EDWARDS. I suppose so.

The CHAIRMAN. You say you "suppose so," do you know so?

Gen. EDWARDS. I did not look at them.

The CHAIRMAN. Then, how do you know?

Gen. EDWARDS. Gen. Crowder told me that all the official papers are in there.

The CHAIRMAN. And did he also tell you that there were no private papers in there?

Gen. EDWARDS. No, sir; he did not. I will tell you, if you will look there you will see that is registered. The word "registered" is on that envelope, and it appeared to be an identification of the papers that that cablegram discloses were ordered by Gen. Bell to Gen. Bliss to be sent here.

The CHAIRMAN. Then, all these private papers were in there?

Gen. EDWARDS. I would not know it.

Mr. DIFENDERFER. When were these private papers turned over to Gen. Crowder?

Gen. EDWARDS. On Sunday.

Mr. DIFENDERFER. Did you make a personal examination of them?

Gen. EDWARDS. I do not know whether they were the private papers or not.

Mr. DIFENDERFER. Did he make a request for these private papers?

Gen. EDWARDS. Who?

Mr. DIFENDERFER. Gen. Crowder.

Gen. EDWARDS. I do not know.

Mr. DIFENDERFER. Did the Secretary of War order you to turn them over to Gen. Crowder?

Gen. EDWARDS. Yes, sir.

Mr. BULKLEY. Did he order you to turn over everything you found, whether private or not?

Gen. EDWARDS. Yes, sir; and I did.

Mr. DIFENDERFER. And you turned them over to the Secretary of War?

Gen. EDWARDS. Yes, sir.

Mr. DIFENDERFER. Then your information is that Gen. Crowder took them from the War Department—that is, the private papers—and sent them to Gen. Bell?

Gen. EDWARDS. That is my understanding.

The CHAIRMAN. Do you know at what place in your office these papers were found?

Gen. EDWARDS. Yes, sir.

The CHAIRMAN. Where?

Gen. EDWARDS. They were found in a filing case right by my desk. It is a case with files, and there is a cupboard right below it, and they were in there, right where the doors open.

The CHAIRMAN. Do you remember, General, after the papers were found, calling some newspaper men to your office, or of some newspaper men being in your office, and telling them about the discovery of these papers?

Gen. EDWARDS. That Monday; yes, sir.

The CHAIRMAN. That was on Monday?

Gen. EDWARDS. Yes, sir; Monday or Tuesday.

The CHAIRMAN. Do you remember stating to these reporters when the papers were found?

Gen. EDWARDS. I think so; yes, sir.

The CHAIRMAN. And you stated to them that they were found on the Saturday before?

Gen. EDWARDS. Well, I say they were found, but I found them on Sunday.

The CHAIRMAN. They were found on Saturday, as I understand it?

Gen. EDWARDS. Yes, sir. Now, there is another piece of information: When I told my man to give me all the papers to send them up

to the house, he said, "You know you have got some of Gen. Bell's papers"—at least, he says he told me that the night before.

The CHAIRMAN. He said he told you that the night before?

Gen. EDWARDS. Yes, sir. I did not look at them, and did not take them out of the package at the office, and did not see them then.

Mr. BULKLEY. Is that the same clerk you referred to a moment ago?

Gen. EDWARDS. Yes, sir.

The CHAIRMAN. You have stated that these were public records, or, at least, that a portion of them were. Now, in the ordinary course, where should these papers have been properly lodged or recorded? In the regular course, in what office did they belong?

Gen. EDWARDS. I do not know. I have not been Chief of Staff or Adjutant General. I suppose the logical place would be either with the Chief of Staff or The Adjutant General. It is true that when Gen. Bell went away, Gen. Wood was down at Buenos Aires as a special ambassador for the President, and there was a hiatus between the Chiefs of Staff; that is, after one went away and before the other came back.

The CHAIRMAN. What has that to do with the proper place for the lodgment of these papers?

Gen. EDWARDS. That might be an explanation of why they were not turned over to Gen. Wood, the succeeding Chief of Staff.

The CHAIRMAN. Will you kindly cite the committee to the authority empowering the Chief of Staff to retain charge of papers of the kind and character of the Ray records?

Gen. EDWARDS. I do not know of any authority except that it has always been the custom of commanding officers. The commanding officer or commanding general takes the papers that he wants and retains them in his official and personal custody until he has completed the case. It has always been done since I have been in office. It is not reasonable to suppose that Gen. Bell—that he might not have gone through these things very carefully and come to some full decision as to the disciplinary action warranted.

The CHAIRMAN. Why was this memorandum then prepared and sent to you, if there had been—

Gen. EDWARDS (interposing). I suppose Gen. Bell gave that to me because he felt that some hostile action might be based upon it. There is another point I am making, that is, that it is not unreasonable to suppose—in fact, it is rather proper to assume—that if he sent for these papers in the Ray case—

The CHAIRMAN (interposing). Who sent for them?

Gen. EDWARDS. Gen. Bell—or telegraphed for them from the Philippines, that he had not gone over this carefully, and come to some disciplinary conclusion with regard to Maj. Ray.

The CHAIRMAN. Was the proper place for disciplinary action in the Philippine Islands, and was not the message that was sent one to stop any disciplinary action and return the papers?

Gen. EDWARDS. Well, I say that it is not unreasonable to suppose that he stopped this disciplinary action and came to the original conclusion, as he was the supreme authority in the case.

The CHAIRMAN. I can not square that with Gen. Bell's cablegram to Gen. Bliss, I believe it was. On December 21, 1908, Gen. Bell seems to have sent this message:

WASHINGTON, December 21, 1908.

Bliss, Manila:

If possible, please meet requirements of discipline in Beecher B. Ray case without reference to court or War Department. Will support your action.

BELL.

Personal and confidential.

If it was the intention, as suggested by you, to have further proceedings or further court-martial proceedings in Washington of Maj. Ray, why would he have sent this cablegram?

Gen. EDWARDS. I was not speaking about a court-martial; no sir.

The CHAIRMAN: I understood you to state—

Gen. EDWARDS (interposing). Disciplinary action. You can take disciplinary action without a court-martial. The Chief of Staff is the supreme authority, and if he concluded, after going through these things, that the man should be tried he could have warranted that, or have administered a reprimand, and a reference to the Judge Advocate General to see if a cause of action would lie.

The CHAIRMAN. As a matter of fact, had not this record been transmitted from Washington to Manila with a specific indorsement by Gen. Whipple, and supported by the recommendation of the then Judge Advocate General, recommending disciplinary action in the case of Maj. Beecher B. Ray in the Philippines?

Gen. EDWARDS. So I understand; yes, sir.

The CHAIRMAN. I want to understand your line of testimony. I may be wrong, but I understood you to say that it was possible and quite probable, or that the presumption was, that Gen. Bell had kept these papers in his charge for the purpose of determining whether disciplinary action was or was not necessary, or would or would not be inflicted. Did I so understand you?

Gen. EDWARDS. Here is my point: It is reasonable to suppose that the Chief of Staff, after he orders the papers back here, may take these papers in order that he may go over them very carefully and come to an administrative conclusion of the case. I am speaking in an abstract manner. Now, that has nothing to do with, and I do not want to involve in any way, your other question; that is, after he has come to a conclusion, turning them over to one office or another; that is aside. The point I make is that it is reasonable to suppose that the highest officer in the Army takes administrative action over all subordinates on the merits of the case.

The CHAIRMAN. Do they, General, do that without consultation with the Secretary of War, or without the direction of the Secretary of War?

Gen. EDWARDS. No doubt he does not. Sometimes he does it, however, but in every important case he counsels with the Secretary of War, and I think he counseled with Secretary Wright very constantly in this case.

The CHAIRMAN. Then, the presence of these papers in your office was not due to any oversight, if I understand you correctly? It was not due to any oversight on the part of Gen. Bell or any negligence?

Gen. EDWARDS. No, sir.

The CHAIRMAN. They were there by design and for a purpose?

Gen. EDWARDS. It seems to me if there was any negligence I am the party to be charged with it.

The CHAIRMAN. For what negligence?

Gen. EDWARDS. On the part of Gen. Bell. It seems to me that when that resolution came up I ought to have recollected these papers and gone through that and submitted it.

The CHAIRMAN. As a matter of fact, is it not conclusive that, by reason of this memorandum you have read into the record, they were placed in your office by design and for a purpose?

Gen. EDWARDS. Well, that would be hearsay, and Gen. Bell would be the best man to question about that.

The CHAIRMAN. What was the purpose of that memorandum?

Gen. EDWARDS. There is no doubt in my mind that Gen. Bell felt that he could not trust certain officers in the War Department.

The CHAIRMAN. Why?

Gen. EDWARDS. Because he felt that they were hostile.

The CHAIRMAN. Hostile to what or to whom?

Gen. EDWARDS. I beg your pardon?

The CHAIRMAN. Hostile to what or to whom?

Gen. EDWARDS. The President of the United States.

Mr. BULKLEY. Do you mean politically hostile?

Gen. EDWARDS. That is a proposition I can not answer. Gen. Bell is available. Why not cable and ask him?

The CHAIRMAN. What the committee is undertaking to do is to get an explanation of the presence of these papers in your office, which, as I understand you, would be properly in The Adjutant General's Office.

Gen. EDWARDS. I do not see why not in the General Staff's office.

The CHAIRMAN. Is that an office of record in the War Department?

Gen. EDWARDS. It is a full bureau of the War Department, and the Chief of Staff has many records that do not go into The Adjutant General's Office. I think these papers should go to The Adjutant General's Office. I think I told you so.

The CHAIRMAN. Then, why were these papers not sent to the proper office?

Gen. EDWARDS. It would be only a guess on my part.

The CHAIRMAN. Well, let us have the benefit of the guess.

Gen. EDWARDS. I have already told you what that was.

Mr. BULKLEY. When papers are reposing in your cupboard, are they on file in the department?

Gen. EDWARDS. Certainly, and in the custody under that statute. There is no question about it, and there was no design to conceal them on my part.

Mr. BULKLEY. I appreciate the fact that you did not have any design to conceal them, but did you regard them as being on file?

Gen. EDWARDS. I do not think any lawyer in this country would question that fact under the statute. There was no disposition to hide them at all. I have signed the more or less official receipt, and I can not get away from that. I was trying to protect Gen. Bell in this matter, and if anybody is to blame, it seems to me that I ought to be blamed for not giving these out in responding to this resolution. I have explained everything to you and have explained fully the causes. Whether Gen. Bell had any right to leave them with me, that is another question. I think he did.

The CHAIRMAN. General, in order to clear up this matter, I think it is due yourself and due to the committee to cite the authority of

the Chief of Staff to assume charge and control of records of the type and of the kind of those in the Maj. Beecher B. Ray case.

Gen. EDWARDS. I do not know the authority.

The CHAIRMAN. We do not ask you to give it now, but you can have it inserted in the record.

Gen. EDWARDS. I will have to go to the Judge Advocate General, as he is our legal officer.

The CHAIRMAN. We would like to know what is the authority. Now, in a general way, the committee understands, at least, I do, that The Adjutant General is the proper custodian and that his office is the proper office in which papers of this kind should be lodged and filed for record.

Gen. EDWARDS. You mean especially that since they had gone through his office, they should go back there?

The CHAIRMAN. Yes. Now, if there is any law, or any rule or regulation that permits them to be kept in any other office, it would certainly be new information to me, at least.

Gen. EDWARDS. I will try to furnish it, with pleasure.

The CHAIRMAN. Do you know whether any official or personal communication with regard to these papers has been received by the Secretary of War, the Chief of Staff, or any other person in the War Department since May 1, 1911?

Gen. EDWARDS. Will you kindly repeat that question, Mr. Chairman?

The CHAIRMAN. Do you know whether any official or personal communication with regard to these papers has been received by the Secretary of War, the Chief of Staff, or any other person in the War Department since May 1, 1911?

Gen. EDWARDS. Only that resolution from Congress. That is the only one I know about.

The CHAIRMAN. That is the only communication?

Gen. EDWARDS. That is the only communication I have any knowledge of. I have certainly received none, or I have not had my attention called to it.

The CHAIRMAN. Did any person in the Bureau of Insular Affairs have any consultation with anyone about them prior to their discovery; and if so, when, with whom, and of what nature?

Gen. EDWARDS. Nobody of whom I have any knowledge, except in accord with my statement of Saturday. I am sure they have not.

The CHAIRMAN. I understood you to say that no cablegrams have passed between your office, or emanating from your office, with any officials in Manila, or in the Philippines since the discovery of the papers?

Gen. EDWARDS. Not the slightest iota.

The CHAIRMAN. When was the last communication emanating from your office, if any, to officials in the Philippine Islands; that is, any communications touching the Ray matter or Ray case emanating from your office to the officials of the Philippine Government?

Gen. EDWARDS. Official or private?

The CHAIRMAN. Official or private.

Gen. EDWARDS. Not to my knowledge in five years.

The CHAIRMAN. I believe you have stated that no one in the Insular Bureau knew of the presence of these papers in that bureau except yourself?

Gen. EDWARDS. No, sir; my clerk knows it.

The CHAIRMAN. Your clerk knew that they were there?

Gen. EDWARDS. Yes, sir; because he told me right off when I asked him for them. He said, "there is a bundle of papers from Gen. Bell."

The CHAIRMAN. When did he tell you that?

Gen. EDWARDS. The Saturday night that I said they were found.

The CHAIRMAN. Who is your clerk?

Gen. EDWARDS. Mr. Brock.

The CHAIRMAN. Give us his initials, please.

Gen. EDWARDS. I do not know. I do not recall his initials; I always call him Brock.

The CHAIRMAN. How long has he been your clerk?

Gen. EDWARDS. Ever since Mr. Pedigo left—I think about five years.

The CHAIRMAN. Was he your clerk at the time these papers were placed there?

Gen. EDWARDS. He was, as I recollect the matter.

The CHAIRMAN. Where was he at the time the Covington resolution reached the War Department?

Gen. EDWARDS. I think he was here or away on leave. I know he took some leave while I was away.

The CHAIRMAN. And he was aware of the presence of these papers in your office the entire time?

Gen. EDWARDS. He did not know the character of them.

The CHAIRMAN. But he was aware of the presence of them?

Gen. EDWARDS. Yes, sir; he knew it.

The CHAIRMAN. Did you say he was here while you were absent?

Gen. EDWARDS. I assume that he was. I was away about six weeks, and his leave would be only a month. I do not know about that.

The CHAIRMAN. In your absence he would still be the clerk to the officer in charge, would he not, during the entire time of your absence?

Gen. EDWARDS. No, sir; he is more or less a confidential clerk.

The CHAIRMAN. During your absence he is the clerk to Col. McIntyre, is he not?

Gen. EDWARDS. No, sir; Col. McIntyre has his clerk, and I have my clerk, and in our absence they do general correspondence work.

The CHAIRMAN. And during your absence does a separate man fill the place?

Gen. EDWARDS. No, sir; he is right there in the same place.

The CHAIRMAN. When this Covington resolution in due course reached your office, as chief clerk, it would naturally come to his attention, would it not?

Gen. EDWARDS. Yes, sir; but he is not the chief clerk. He is a private secretary, and the resolution went out to the Record Division. I do not believe he knew anything about it.

The CHAIRMAN. It would be his duty, would it not?

Gen. EDWARDS. It would be his duty, but he tells me——

The CHAIRMAN (interposing). It would be his duty to disclose the presence of these papers, would it not?

Gen. EDWARDS. Certainly; but he tells me they were in the yellow bundle.

The CHAIRMAN. But he knew what they were.

Gen. EDWARDS. He knew they were private papers about the Ray business, but I do not think he dreamed that there was any official record in there.

The CHAIRMAN. Did you not say a moment ago, when you mentioned the subject, that he spoke of them?

Gen. EDWARDS. Yes, sir.

The CHAIRMAN. Then he must have been aware during all the time that they were there—the Ray papers.

Gen. EDWARDS. Yes, sir. I thought they were private papers until I saw that thing.

The CHAIRMAN. It would be the pleasure of the committee for you to leave these papers with us. They will be properly protected. We would like to see whether or not the committee would like to have them made a part of the record.

Gen. EDWARDS. I think there is some question of propriety about that private correspondence being made a part of the record. I do not want to stand on any formal ground.

The CHAIRMAN. The chairman will look them over.

Mr. DIFENDERFER. Why should Gen. Bell's private correspondence be placed in your custody, or in your office?

Gen. EDWARDS. Because, I was, or he supposed that I was, a friend of his.

Mr. DIFENDERFER. And you believed that Gen. Bell thought that some of these papers were prejudicial to the President?

Mr. SPEER. I can not see the propriety of asking what he believes about matters.

Mr. DIFENDERFER. The General has already stated that that was his judgment.

Mr. SPEER. I do not of approve this French system of letting witnesses tell what they believe. What difference does it make about what one may believe of another? It is merely a question of belief.

Thereupon, at 12 o'clock noon, the committee took a recess until 10 o'clock a. m., Wednesday, March 13, 1912.

EXPENDITURES IN THE WAR DEPARTMENT.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, HOUSE OF REPRESENTATIVES, *Wednesday, March 13, 1912.*

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

Present: Representatives Helm (chairman), Difenderfer, and Spear.

TESTIMONY OF MR. CHARLES S. BROCK.

The witness was duly sworn by the chairman.

The CHAIRMAN. Please state your name.

Mr. BROCK. Charles S. Brock.

The CHAIRMAN. What is your occupation?

Mr. BROCK. I am a clerk in the Bureau of Insular Affairs of the War Department.

The CHAIRMAN. How long have you occupied that position?

Mr. BROCK. I have been a clerk in the bureau for some eight years.

The CHAIRMAN. You are the gentleman to whom Gen. Edwards referred yesterday, I presume?

Mr. BROCK. I believe so. I am the only Brock in the bureau.

The CHAIRMAN. How long have you known Gen. Edwards?

Mr. BROCK. I have known him ever since I first came to the bureau—eight years.

The CHAIRMAN. Have you been in the office with him all the time?

Mr. BROCK. I have been acting as his secretary a little less than four years.

The CHAIRMAN. As his secretary you have been intimately associated with him, have you not? By "intimate" I mean in daily contact?

Mr. BROCK. Yes, sir.

The CHAIRMAN. You have to sign a voucher for your salary?

Mr. BROCK. I sign receipts, the same as every other clerk in the War Department—the ordinary form of receipt.

The CHAIRMAN. I understood you to say you have been in the Insular Bureau for eight years?

Mr. BROCK. Yes, sir.

The CHAIRMAN. Do you remember the occasion when a resolution was introduced by Representative Covington, of Maryland, calling for certain papers on file in the War Department?

Mr. BROCK. I remember it only from the fact I read of it in the papers, and happened to see the printed document after it was printed.

The CHAIRMAN. Where did you see it?

Mr. BROCK. We usually get, in the bureau, copies of practically all documents, and I just happened to see it in the course of routine.

The CHAIRMAN. Who was in charge of the office at that time?

Mr. BROCK. Maj. George H. Shelton.

The CHAIRMAN. How long after the introduction of the Covington resolution was it before you saw it?

Mr. BROCK. Well, I could not state the date. I did not pay any attention to the date of the resolution. All I read was the document containing the printed correspondence.

The CHAIRMAN. The printed correspondence?

Mr. BROCK. That is, the Senate document.

The CHAIRMAN. House or Senate document?

Mr. BROCK. Well, I do not know about that. It was a printed document containing the various correspondence presumably called for by the resolution you refer to, sir.

The CHAIRMAN. What correspondence now do you have reference to?

Mr. BROCK. As I recall, this was certain correspondence in the matter of this Maj. Ray case.

The CHAIRMAN. Do I understand you to say you saw that in the office of the Bureau of Insular Affairs?

Mr. BROCK. Yes, sir.

The CHAIRMAN. I would like for you to make your statement a little more explicit as to the correspondence that you have mentioned.

Mr. SPEER. I do not believe, Mr. Chairman, you understand. What he saw was this printed document we have here after it was printed. It came to the bureau in the regular course and he saw that.

Mr. BROCK. Yes, sir.

The CHAIRMAN. Is that what you have reference to?

Mr. BROCK. Yes, sir; that is correct. In other words, I did not see the resolution or anything about the resolution until it was mentioned in the papers, and then I happened to see this document, which was printed, presumably, in response to this resolution.

The CHAIRMAN. Did I understand you to say you had never seen the resolution itself, which was introduced by Representative Covington?

Mr. BROCK. No, sir; I never saw the resolution itself.

The CHAIRMAN. In the usual course of routine business, when resolutions of the type or character of the Covington resolution reach the War Department, they go direct to the Secretary of War?

Mr. BROCK. I suppose so; yes, sir.

The CHAIRMAN. Then what takes place; if anything?

Mr. BROCK. Well, I am not prepared to state, because I never have anything to do with those things.

The CHAIRMAN. Well, do you know whether a resolution of that character would go to the different bureaus and branches of the War Department?

Mr. BROCK. I can not say that I do know; no, sir.

The CHAIRMAN. You have been in the service eight years and can not tell the committee whether that is part of the routine business or not?

Mr. BROCK. Well, I can only say that that is a different line of work from what I have anything to do with. That would be handled, I suppose, by the officials of the bureau. Naturally, common sense

would tell me if it referred to any particular matter in which my bureau would have any interest. They would naturally refer it to that bureau to see what they knew about it; but it would not come to me, because I would not necessarily have anything to do with it unless called upon in my capacity as stenographer to take something about it.

The CHAIRMAN. I will ask you to state, in just as concise a way as possible, what your duties are.

Mr. BROCK. Well, as I say, I am a clerk in the bureau detailed as confidential stenographer, you might say, to Gen. Edwards, and am in his room to take any dictation that he cares to dictate. In other words, I take practically all the dictation that he dictates. That is my business, to take his particular dictation, and of course if any other official in the bureau wishes to dictate to me while Gen. Edwards is not using me I do that work also; and also any routine correspondence, official, that might be passed over to me, I would handle it during my leisure time when I was not working on dictation.

The CHAIRMAN. Were you acting in this capacity at the time that the record in the Maj. Ray case came to the office of the Bureau of Insular Affairs?

Mr. BROCK. May I ask what you mean by "the record?"

The CHAIRMAN. The papers that were sent back from the Philippine Islands.

Mr. BROCK. I can say that during all that time I was acting in this capacity; yes, sir.

The CHAIRMAN. Did you see or have any knowledge of the presence of these papers being in the office of the Bureau of Insular Affairs?

Mr. BROCK. Well, I might just make a little statement as to my connection with these papers which I have been reading about and hearing about.

The CHAIRMAN. You refer to the missing or lost papers in the Maj. Ray case, do you?

Mr. BROCK. I refer to those; yes. That is what I have been reading about and hearing about. I will state that at the time Gen. Bell left the War Department, one day in the spring of last year, I think it was, Gen. Bell's clerk came in—

Mr. SPEER. You say last year?

Mr. BROCK. I mean in 1910.

Mr. SPEER. I know that is when Gen. Bell left.

Mr. BROCK. Yes. Gen. Bell's clerk came into the bureau one day, came in Gen. Edwards's office; Gen. Edwards happened to be talking to two or three different men sitting around his desk, and this clerk, as I recall it, came to the front of his desk and had a bundle of papers wrapped in manila paper, done up with tape or string, and laid them on Gen. Edwards's desk, and at the same time, being in a hurry, apparently, pushed in front of Gen. Edwards a slip of paper which I afterward learned was a receipt. Gen. Edwards turned from his conversation, as he frequently does, and signed this receipt. I saw him sign it. I do not know what he put on it. And this clerk took the receipt and blotted it, and just as Gen. Edwards signed it he said, "What have you got here?" and this clerk said, "Some papers, some private papers from Gen. Bell," and the general glanced at it, and I sat some 10 feet away—my desk is in the corner of the room—and Gen. Edwards said in a hurried way, "Here, Brock, put these things away." He did not glance at them and apparently did not

have any interest in seeing what they were particularly. He just saw they were some papers, and I have since learned by seeing or hearing of this official receipt that he put on this receipt, being in a hurry—

The CHAIRMAN (interposing). When did you learn that?

Mr. BROCK. I have learned that within the last month. Not having seen the original receipt, I did not know what he put on it, but I have since learned that he wrote on this receipt, "Contents unknown," after the typewritten part.

The CHAIRMAN. From whom did you learn that?

Mr. BROCK. I learned that from the clerk who brought this package of papers in there.

The CHAIRMAN. Who was this clerk?

Mr. BROCK. His name is Mr. Ray Moulton, who was Gen. Bell's clerk at that time. And as I say, Gen. Edwards did not stop to look at them or examine them, and simply said, "Here, Brock, put these things away," and I was busy and did not examine them very closely. I remember seeing some notations on the papers to the effect that they were confidential papers. I am not sure whether there was any mention of Ray on these papers or not, but I believe this clerk mentioned that they were some confidential papers about Ray, and as I recall it, for my own information I put in pencil on there, "Confidential papers in the Ray case," and then I had no convenient place to put them, because they were bulky and I could not put them in my little file there, and as I do in certain cases of bulky stuff, I opened up the cupboard in beneath the filing cabinet—there were a couple of shelves under there—and I opened up this cupboard and just shoved these papers in underneath there.

The CHAIRMAN. Were they in one or two packages?

Mr. BROCK. One package. And I may say that those papers I would never think of opening. They were marked "confidential," and I naturally supposed that they were confidential papers of Gen. Bell, and that for some reason, I did not know why, on leaving Washington he wanted to leave them with Gen. Edwards. It did not concern me why they were left, so I merely shoved them underneath there, and there they stayed, and I never gave it another thought. And I may say that Gen. Edwards never, apparently, so far as I know, thought any more about those papers.

The CHAIRMAN. On what do you base that statement?

Mr. BROCK. Well, I can not say he never thought of them. I can say to my knowledge he never mentioned them or asked for them or saw them from that day until one Saturday, I think it was, on the 17th—I read about it in the paper yesterday, and I do remember that it was on Saturday, when your committee here was bringing up this Ray case, and Gen. Edwards came back late one Saturday afternoon from down the hall, I do not know where he had been, and he said: "Brock, I want to get all the papers that I have about this Ray case; I want to refresh my memory and see just what I have." And I said, "All right, sir." I said, "By the way, General, you remember Gen. Bell left some papers here about that case. Do you want those also?" The general threw his head back, studied a minute, and said: "Is that so?" and he said: "Yes; send me up those, too." The impression he made on my mind was that that was the first time he had thought of those papers since the time he gave them to me. I honestly

believe he had forgotten that those papers were in there. I am sure from what took place when the clerk brought them in there that it did not make enough impression on his mind for him to realize the fact that they were in there, and I honestly believe——

The CHAIRMAN (interposing). Pardon me for interrupting you. There must have been, then, two sets or more than two sets, or several bundles of papers left in the office of the Bureau of Insular Affairs?

Mr. BROCK. No. Let me say this: There was only one bundle wrapped up in this manila paper that came from Gen. Bell's office. Then, in a confidential file, which I keep, Gen. Edwards had had some correspondence with Maj. Ray, which was in this more or less personal, unofficial file—and I had naturally filed those papers. So those were the papers, his own personal file, which he had in mind when he asked me to get out the papers, and I not only got those papers out but at the same time reminded him of these Gen. Bell papers, and asked him if he wanted those also, and he said, after thinking a moment, "Yes; that is so. Get those out and send them up, too." So he went away then. He was just leaving the office. I immediately got out my file, looked under the name of "Ray," where I had filed them, and took out all his own file, which I believe he turned over to the committee yesterday, and that included every paper, so he told me. I took those papers, wrapped them around this Manila bunch——

The CHAIRMAN (interposing). You have conversed with him, then, in regard to the testimony he gave yesterday, have you?

Mr. BROCK. I should not say I have conversed with him. I heard him mentioning it to his assistant there when he came back, something of what had gone on, and then he said in the course of conversation that he had been very frank and told everything that bore upon it, and not only that but that he had turned over every scrap of paper he had about it out of his confidential file. So that is how I happen to know he left them here yesterday. Those were the papers in his personal file that I referred to. And going back, as I say, I got out his own file, wrapped them around this bundle from Gen. Bell's office, put some manila paper around the whole bunch, and then put some tape around it, and myself took them up to Gen. Edwards's house that Saturday afternoon, as he said he wanted to look over them and see what he had.

The CHAIRMAN. What time of day was he in there when he called for the Ray papers?

Mr. BROCK. I said a moment ago it was late in the afternoon, but I will take that back on second thought. It was about 3 o'clock, and, as I recall it, Saturday afternoon. He had some engagement, and I think at that time he had on his coat going out when he asked for them. He immediately went on out, and, as I say, I got these papers together——

The CHAIRMAN. He asked you to get the papers together and deliver them to him, did he?

Mr. BROCK. He said to get them out and send them up to his house; and, as I say, I myself took them up to his house that Saturday afternoon and left them in charge of his butler, and told him I wanted him to be particular to see that Gen. Edwards got these papers himself that same night, because I knew that he was interested and wanted to be reminded that he had them there; and I may say that that was all the connection I had with this bunch of

papers, and I have had no handling of them and no custody of them from that day to this.

Mr. DIFENDERFER. You never opened them, did you?

Mr. BROCK. I never opened them; and I may say that until I turned them over at Gen. Edwards's house, this particular Gen. Bell bunch of papers had never been opened by anybody, to my knowledge, and I think that means that nobody would have gone in there and opened them.

The CHAIRMAN. There was a seal on them, was there?

Mr. BROCK. I do not believe there was any seal. I believe they were simply done up with tape. There was tape around them, giving them every appearance of being tied up and not to be gone into casually.

The CHAIRMAN. How can you state to the committee they were never opened?

Mr. BROCK. Well, I will not make the positive statement that they never were.

The CHAIRMAN. But you have stated that, have you not?

Mr. BROCK. No, sir; I say to my knowledge. I honestly believe, and common sense would tell me, according to the usual practice there, that nobody would have gone in and looked around in the cupboard, and nobody would have been interested enough to have gone in there and to have taken them out and opened them.

The CHAIRMAN. Why not?

Mr. BROCK. Well, it is not the practice to go around in the corner over there and root around in this cupboard.

The CHAIRMAN. What is there about the cupboard that would prevent anybody from rooting around in it?

Mr. BROCK. I may say that Gen. Edwards's corner over there is more or less private, and I am the only clerk in the room outside of his assistant, and no other clerk out of the other room would come in there and feel privileged to examine anything around there; and naturally his assistant, Col. McIntyre, would not come and bother around this cupboard.

The CHAIRMAN. Is it locked?

Mr. BROCK. No; I may say it is not locked. It has a lock on it, but the key won't work.

The CHAIRMAN. Is that the usual place for filing records?

Mr. BROCK. Well, it is not the usual place; no, sir; but certain things, if they happen to be sent over to me to take care of, are put in there. In this case it happened to be a bundle that was awkward, and a big bundle, and it had to be put in some cupboard or shelf or drawer.

The CHAIRMAN. It is a place to store away papers, is it?

Mr. BROCK. I may say that I use it simply as a storage place.

The CHAIRMAN. It is not the regular place for filing records?

Mr. BROCK. No, sir; and I may say right here that the impression it made on me at the time was that these papers were nothing more than confidential, personal papers of Gen. Bell.

The CHAIRMAN. At what time do you refer to now?

Mr. BROCK. At the time they were turned in to Gen. Edwards, when I first saw them.

The CHAIRMAN. Your impression, then, as I understand you, was that the papers were sent there not as a matter of record, but simply as a place for storing them away?

Mr. BROCK. Simply as a place to get rid of them and store them away.

The CHAIRMAN. Have you any further statement to make along that line?

Mr. BROCK. I believe that is all the connection I had with these papers, and, as I say, I do not know that it is pertinent, but I want to make it clear that my honest opinion is that nobody in the bureau—in fact, I may say that nobody in the bureau except Gen. Edwards knew that these papers were there; and I also want to say that from the circumstances under which they were delivered there, in the rush of routine business, I do not believe it made any impression on Gen. Edwards's mind at the time that the papers were in the custody of the bureau during all this subsequent time, and I do not honestly believe that he realized he had them until I reminded him that they were there, when he called for these Ray papers. And I may say I have heard him since say that he himself never opened this bundle of papers, even after I had carried them to his house, when he saw this bundle of papers marked "confidential," and I believe he also states, and I do recall, there was a carbon copy of this receipt he signed. I have heard him say that when he saw this carbon copy of the receipt he immediately waked up to the fact that he had some important-looking papers there from Gen. Bell, and I have heard him say—

The CHAIRMAN (interposing). When did you hear him make that statement?

Mr. BROCK. I would say I heard him make the statement only yesterday, reiterate it.

The CHAIRMAN. When had he stated it before?

Mr. BROCK. I should say on the Monday after the Sunday on which he had handled these papers. I think I recall his having stated that immediately upon his seeing this receipt and realizing that they might be important papers, he immediately called the Secretary of War on the telephone, that same Sunday, and reported to him that he had these papers in his possession which Gen. Bell had left, and asked him what disposition he wanted him to make of them, officially.

The CHAIRMAN. All of this conversation occurred when?

Mr. BROCK. I should say I heard him make that statement on the Monday after this Sunday.

The CHAIRMAN. Who was present?

Mr. BROCK. I think I heard him make the statement to his assistant, Col. McIntyre; I would not say positively; but, anyhow, it was in the ordinary work of the office, and he would naturally speak of it probably to Col. McIntyre; but I am not sure he was the individual he was telling it to; but I am positive I heard him make that statement.

Mr. DIFENDERFER. The receipt you refer to was filed with the rest of the Ray correspondence in your files?

Mr. BROCK. Yes, sir. I may say that on this carbon copy he had not written "contents unknown"; therefore I did not know anything about his having written that nor did he bother to sign the carbon. It was just simply a typewritten form of receipt thrown over with this bundle of papers, and I stuck it under the string and shoved it away with the package in under this shelf.

Mr. SPEER. Then that receipt was with the package and not in the file?

Mr. BROCK. As I recall it, the receipt was right on top of the bundle, and naturally when he opened up this package which I carried to his house this receipt was the first thing that stared him in the face.

The CHAIRMAN. Did I understand you to say the receipt was on top of the bundle inside?

Mr. BROCK. No; not inside.

The CHAIRMAN. It was on the outside?

Mr. BROCK. I just shoved it in under the string.

The CHAIRMAN. When did you first see this receipt?

Mr. BROCK. I saw the receipt at the time the package was first delivered in the bureau.

Mr. SPEER. And at that time you put this copy under the string tied around the bundle and filed it away with the papers?

Mr. BROCK. Yes; I put the carbon copy right under the string and put it away with the bundle of papers. That is the way I recall it.

The CHAIRMAN. Of course, you saw that carbon copy when you took the bundle out on Saturday?

Mr. BROCK. Yes, sir. I would not say positively I left that carbon copy on this bundle. My recollection is I simply shoved it under the string, although it does occur to me—

The CHAIRMAN (interposing). Did you not state just a moment ago that you did not see that carbon copy on Monday?

Mr. BROCK. Well, it was in Gen. Edwards's possession then. I had not seen it certainly after the previous Saturday, because I never had anything to do with the papers after that Saturday.

The CHAIRMAN. Did you not state a moment ago when you were detailing a certain conversation that the first time you had seen this carbon copy was on a Saturday?

Mr. BROCK. No; I think my statement was that Gen. Edwards saw it when he opened up this bundle.

The CHAIRMAN. Did you see it after he opened it or before?

Mr. BROCK. As I understand it, he did not open it at all; that is, the Bell bunch of papers, he did not open at all. He had opened up the large package, the package with the wrapper which I put around them containing his own personal correspondence, which was simply folded around this bundle of Bell papers.

The CHAIRMAN. When were they folded around that bundle of papers?

Mr. BROCK. That was on the Saturday afternoon when he asked for his papers about this Ray case.

Mr. SPEER. And when he opened the package which you sent him, this copy of the receipt was with the Bell package of papers under the string, and he could not have seen that without opening the package?

Mr. BROCK. Yes; that is the way it occurs to me.

Mr. SPEER. And that would indicate to him that those papers had some connection with the Ray case?

Mr. BROCK. Yes; naturally. In fact, I think the name Ray was mentioned in the receipt.

The CHAIRMAN. Now, do I understand you to say that that is the first information he had that this was a bundle of Ray papers when he saw that typewritten carbon copy?

Mr. BROCK. I would not say that. I would say that at the time this bundle was brought in there he must have realized that they were some Ray papers. I think he had that knowledge at that time, that they were some confidential papers about the Ray matter.

The CHAIRMAN. What makes you think he must have realized that?

Mr. BROCK. Well, I am positive that this clerk in handing them over threw them on his desk and put the receipt in front of him to sign, and, as I recall it, he said, "What have you got here?" in his hurried way of speaking, and as I recall it the clerk said, "They are some confidential papers which Gen. Bell wishes to leave with you about the Ray case," and then the general, as I say, tossed them over to me and said, "Here, Brock, put these things away," and he went on talking to these gentlemen who were seated around his desk.

The CHAIRMAN. I understood you to say a moment ago that you knew nothing about the Covington resolution having been introduced in Congress and referred to the War Department.

Mr. BROCK. I believe I stated that I did not know anything about it until I read something about it in the papers, and afterwards saw the printed House document.

The CHAIRMAN. How long after you read something about it in the papers was it until you saw the printed document?

Mr. BROCK. Well, I could not say definitely, but in the usual routine, I suppose it must have been three or four days; possibly longer. I do not know exactly how much time it took to get out the printed document after the time when the article might be published in the paper. In other words, Gen. Edwards was away on this trip to the West Indies with the Secretary of War, and as I recall it had been away a week or so when this happened, and Maj. Shelton was acting, his first assistant, Col. McIntyre, also being away on account of the illness of his son—

The CHAIRMAN (interposing). Pardon me for interrupting you, but do you know from any source whatever whether Maj. Shelton knew of the presence of these papers in that office or not?

Mr. BROCK. I can say positively that I think he did not know about them being there.

The CHAIRMAN. You never told him about them?

Mr. BROCK. I never mentioned it to him; no, sir; or to anyone else, for that matter. I had no occasion to mention it except to Gen. Edwards, when he asked for all the papers, and I reminded him that they were there. That was the only time I had had occasion to mention them or even think of them, as a matter of fact.

The CHAIRMAN. Now, when a resolution is introduced in the House of Representatives of the character and type of the Covington resolution, calling for papers—when the resolution reaches the War Department, you say that if there is anything in the Insular Bureau office affected by the resolution it will come to the office of the Bureau of Insular Affairs?

Mr. SPEER. That is merely a presumption on his part.

Mr. BROCK. That is merely a presumption. I have nothing to do with the actual handling of such matters, but I know in a general way—in fact, it is my understanding, without ever being told specifically, that the Secretary of War's office, when a resolution calling for papers is introduced—my assumption is that an extract is made of it and sent to all the bureau chiefs.

The CHAIRMAN. When one of those extracts reaches the Bureau of Insular Affairs, what disposition is made of it in the Bureau of Insular Affairs?

Mr. BROCK. Well, it would go direct to the chief or the acting chief, as the case might be.

The CHAIRMAN. And what would he do?

Mr. BROCK. He would immediately call on the record room to ascertain and look up and see if there were any papers there, provided it was a resolution calling for papers.

The CHAIRMAN. In the absence of Gen. Edwards, and Maj. Shelton being in charge, you would act in the same capacity to Maj. Shelton as you would to Gen. Edwards, would you not?

Mr. BROCK. Well, I may say that ordinarily I would not. I may say that if Gen. Edwards was away and Maj. Shelton was acting chief, sitting at his desk on the other side of the room, if anything came up which he wanted to dictate ordinarily he would ring for a stenographer out of the other room. That is the usual practice for that desk.

The CHAIRMAN. Do I understand you were off duty during the absence of Gen. Edwards?

Mr. BROCK. No, sir.

The CHAIRMAN. What do you do in his absence, if anything?

Mr. BROCK. Well, I may say that I look after his mail and anything of a routine character which is not marked strictly confidential; if he is away for any length of time; I would look after it and forward it to him, or open it.

The CHAIRMAN. Would this order from the Secretary of War come through the mail, or how would it reach Gen. Edwards's office?

Mr. BROCK. I think it would be sent in by messenger service. We have a messenger service in all the bureaus, and most of the correspondence and papers are sent around by messenger service.

The CHAIRMAN. And a messenger would deliver such a message to Maj. Shelton?

Mr. BROCK. Yes, sir; he would bring it in and put it right on his desk direct.

The CHAIRMAN. And then what would Maj. Shelton do?

Mr. BROCK. Well, in this particular case, as I say, I think Maj. Shelton would naturally ring for the record-room man and put his proposition up to him.

The CHAIRMAN. The record-room man of what office?

Mr. BROCK. Of the Bureau of Insular Affairs.

The CHAIRMAN. Where is that record room?

Mr. BROCK. The record room is directly opposite, across the hall from the chief's room.

The CHAIRMAN. And not in the office in which Gen. Edwards stays?

Mr. BROCK. No, sir; it is a large room to itself right opposite, across the hall, where all the official records are kept by a force of some eight or nine men employed in the record room to keep all the records and index them.

The CHAIRMAN. And as I understood from your statement a moment ago, this cupboard in which you stuck these papers is not in that record room?

Mr. BROCK. No, sir. I may say that I consider it a personal file of Gen. Edwards, where his personal correspondence is filed away, and also any magazines or books he wants to keep. I would put them in there, and also extra envelopes and stationery.

The CHAIRMAN. In a case like the one we have in hand, there would be no possibility, as I understood you, of your having any knowledge or information of such a resolution as the Covington resolution?

Mr. BROCK. I may say that ordinarily I would not be apprised of anything of the kind. It is not in line with my particular work, and it certainly would not be referred to me, and I would not be asked anything about it.

The CHAIRMAN. In other words, in the course of your routine work in the office you would not have to handle it in any way?

Mr. BROCK. Not in any way; no, sir.

The CHAIRMAN. And you tell the committee that you do not know that any request came to the Bureau of Insular Affairs in regard to the Covington resolution?

Mr. BROCK. Yes, sir; that is what I state. To my knowledge I do not even know, except as I have subsequently heard them say, that this request was sent down there. To my knowledge, at the time, it was not.

TESTIMONY OF GEN. ENOCH H. CROWDER, UNITED STATES ARMY.

The witness was duly sworn by the chairman.

The CHAIRMAN. Please state your full name.

Gen. CROWDER. E. H. Crowder.

The CHAIRMAN. Your office and rank?

Gen. CROWDER. Judge Advocate General of the Army.

The CHAIRMAN. Your location is where?

Gen. CROWDER. Washington, D. C.

The CHAIRMAN. Kindly state the scope of your duties, Gen. Crowder.

Gen. CROWDER. Generally, those of a legal adviser to the Secretary of War and the chiefs of bureau of the War Department.

The CHAIRMAN. General, you are more or less familiar with the investigation of the Ray case, are you not?

Gen. CROWDER. With certain phases of it, I am quite familiar.

The CHAIRMAN. You recall having some papers referred to you by the Secretary of War for examination?

Gen. CROWDER. Yes, sir.

The CHAIRMAN. Please state in your own way your disposition of those papers.

Gen. CROWDER. I think it was on February 17, Sunday, that I received a telephone message from Gen. Edwards saying that he had certain papers in his possession which the Secretary of War desired me to take over and examine.

Mr. SPEER. Before you go into that, it was the 18th of February instead of the 17th.

Gen. CROWDER. Well, I am not certain about the date. My instructions were to ascertain whether these papers would support any disciplinary action against Maj. Ray, of the Pay Corps, and further, which, if any, of the papers pertained to the official files of the War Department, and to take the steps necessary to restore all such to the files. I received the papers from Gen. Edwards and undertook that examination and classification. I commenced the

work on Monday morning. I completed my examination that day, and found that all of the charges made against Maj. Ray were of offenses which were barred by the statute of limitations except one, relating to alleged illicit relations with a certain woman and which has been a prominent factor in this investigation. The papers did not disclose any evidence upon which we could proceed to a trial of Maj. Ray upon that charge. So I reported in due time to the Secretary of War that the papers would not support any disciplinary action against Maj. Ray. I then made the classification of the papers, placing in one group all those which in my judgment belonged to the official files of the War Department, and in another group those papers which did not in my judgment belong to those files.

The CHAIRMAN. General, you made a critical examination of the papers, did you?

Gen. CROWDER. As critical as time would permit. We were working under a rush order. The Secretary was greatly surprised to find that these papers were in existence, and he was very anxious to get them before the committee promptly, so I was rushed considerably in the work, and I did not—

The CHAIRMAN (interposing). Pardon me for interrupting you. Are you familiar with the resolution introduced by Representative Covington?

Gen. CROWDER. I am, sir.

The CHAIRMAN. And you were familiar with it at the time you were making this investigation?

Gen. CROWDER. Yes, sir.

The CHAIRMAN. Would it not have been the regular course, General, to have brought this bundle of papers to the committee to which that resolution had been referred, inasmuch as all papers were called for, and to have given the committee an opportunity to have said what papers it wished and what papers it did not wish? The Covington resolution is known as House resolution 208, and is as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the House of Representatives copies of all records, reports, letters, or papers of any description which, on June fourteenth, nineteen hundred and eleven, were in or recorded in any bureau or office of the War Department, or were in the custody of any civil or military officer or employee in any bureau or office of the War Department, and which relate in any way to charges or accusations of criminal or other misconduct on the part of any officer or officers of the Pay Department of the Army since January first, nineteen hundred and five, or which relate in any way to absence from duty since January first, nineteen hundred and five, of any such officer or officers against whom such charges or accusations have been made.

Under the terms of that resolution, would it not have been proper to have delivered all of these papers to the committee?

Gen. CROWDER. That is a question I was not considering at this particular time. I was executing instructions of the Secretary of War to make a certain classification.

The CHAIRMAN. Pardon me for interrupting you. As the Judge Advocate General, and as you say, being aware of this resolution, would it not have been your duty as the Judge Advocate General to have informed the Secretary of War that the proper body to examine these papers was the committee to which this resolution had been referred for investigation?

Gen. CROWDER. No, sir; I do not understand that to have been my duty as Judge Advocate General of the Army.

The CHAIRMAN. Would a request from this committee to you or through you, addressed to the Secretary of War, requesting that a cablegram be sent to Gen. Bell in Manila, directing him to return this bundle of papers, which I understand is described as "personal," to be returned to the War Department without opening, be observed or complied with by yourself or the Secretary of War, in your opinion?

Gen. CROWDER. Mr. Chairman, that requires me to answer a hypothetical question which has not arisen and express a legal opinion upon a rather complicated question which I have not considered in all of its phases. I am perfectly willing to give reasons for all the actions I have taken in this case, but to answer a hypothetical question of that character, which involves—

The CHAIRMAN (interposing). Well, I will put the question in the form of a request. The committee will be pleased to have you cable in person to Gen. Bell at his present location in Manila to return, without opening, the letters that were segregated in the Ray records and which the committee is informed have been sent to him.

It is a fact, is it, General, that certain papers that you segregated in this record you have been referring to have been sent to Gen. Bell?

Gen. CROWDER. I have no knowledge whether they have been sent to him or not.

The CHAIRMAN. Did you retain any copies?

Gen. CROWDER. I did not.

Mr. DIFENDERFER. To whom did you deliver these papers?

Gen. CROWDER. When my classification of them was completed, they were taken to the office of the Secretary of War, in order that he might confirm my classification or object to it. He confirmed it, and I received back from him the official papers, with instructions to put them in process of being copied for the use of this committee. I left the other papers on his desk, and that is all I know about them.

Mr. DIFENDERFER. The papers which you left upon his desk, do you know whether or not there was any reference in them made to the Ray case?

Gen. CROWDER. Yes, sir; there was. My cursory examination of them, which was a rush examination, as I have already explained, was not so complete that it would enable me to answer in detail that question, but my impression is that they were all more or less directly related to the Ray case.

Mr. DIFENDERFER. Did they reflect in any way upon Maj. Ray's character as an officer of the Army?

Gen. CROWDER. Well, he was discussed, as I now recollect, in pretty nearly every way, both as an officer and as a man, in some of them.

Mr. DIFENDERFER. And was any political reference made in those papers?

Gen. CROWDER. I do not recall any political reference. My recollection is, Mr. Difenderfer, that the major portion of these letters or papers was correspondence which passed between Maj. Ray and Gen. Edwards when Maj. Ray was stationed in Honolulu. But I want to say that my recollection is most indistinct, for the reason that I was rushing this work in order that the papers might get into the hands of the typists as soon as possible and in order to get the report over here.

Mr. DIFENDERFER. General, how could they be considered as private papers when they passed from one officer to another?

work on Monday morning. I completed my examination that day, and found that all of the charges made against Maj. Ray were of offenses which were barred by the statute of limitations except one, relating to alleged illicit relations with a certain woman and which has been a prominent factor in this investigation. The papers did not disclose any evidence upon which we could proceed to a trial of Maj. Ray upon that charge. So I reported in due time to the Secretary of War that the papers would not support any disciplinary action against Maj. Ray. I then made the classification of the papers, placing in one group all those which in my judgment belonged to the official files of the War Department, and in another group those papers which did not in my judgment belong to those files.

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Gen. CROWDER. I am, sir.

The CHAIRMAN. And you were familiar with it at the time you were making this investigation?

Gen. CROWDER. Yes, sir.

The CHAIRMAN. Would it not have been the regular course, General, to have brought this bundle of papers to the committee to which that resolution had been referred, inasmuch as all papers were called for, and to have given the committee an opportunity to have said what papers it wished and what papers it did not wish? The Covington resolution is known as House resolution 208, and is as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the House of Representatives copies of all records, reports, letters, or papers of any description which, on June fourteenth, nineteen hundred and eleven, were in or recorded in any bureau or office of the War Department, or were in the custody of any civil or military officer or employee in any bureau or office of the War Department, and which relate in any way to charges or accusations of criminal or other misconduct on the part of any officer or officers of the Pay Department of the Army since January first, nineteen hundred and five, or which relate in any way to absence from duty since January first, nineteen hundred and five, of any such officer or officers against whom such charges or accusations have been made.

Under the terms of that resolution, would it not have been proper to have delivered all of these papers to the committee?

Gen. CROWDER. That is a question I was not considering at this particular time. I was executing instructions of the Secretary of War to make a certain classification.

The CHAIRMAN. Pardon me for interrupting you. As the Judge Advocate General, and as you say, being aware of this resolution, would it not have been your duty as the Judge Advocate General to have informed the Secretary of War that the proper body to examine these papers was the committee to which this resolution had been referred for investigation?

Gen. CROWDER. No, sir; I do not understand that to have been my duty as Judge Advocate General of the Army.

The CHAIRMAN. Would a request from this committee to you or through you, addressed to the Secretary of War, requesting that a cablegram be sent to Gen. Bell in Manila, directing him to return this bundle of papers, which I understand is described as "personal," to be returned to the War Department without opening, be observed or complied with by yourself or the Secretary of War, in your opinion?

Gen. CROWDER. Mr. Chairman, that requires me to answer a hypothetical question which has not arisen and express a legal opinion upon a rather complicated question which I have not considered in all of its phases. I am perfectly willing to give reasons for all the actions I have taken in this case, but to answer a hypothetical question of that character, which involves—

The CHAIRMAN (interposing). Well, I will put the question in the form of a request. The committee will be pleased to have you cable in person to Gen. Bell at his present location in Manila to return, without opening, the letters that were segregated in the Ray records and which the committee is informed have been sent to him.

It is a fact, is it, General, that certain papers that you segregated in this record you have been referring to have been sent to Gen. Bell?

Gen. CROWDER. I have no knowledge whether they have been sent to him or not.

The CHAIRMAN. Did you retain any copies?

Gen. CROWDER. I did not.

Mr. DIFENDERFER. To whom did you deliver these papers?

Gen. CROWDER. When my classification of them was completed, they were taken to the office of the Secretary of War, in order that he might confirm my classification or object to it. He confirmed it, and I received back from him the official papers, with instructions to put them in process of being copied for the use of this committee. I left the other papers on his desk, and that is all I know about them.

Mr. DIFENDERFER. The papers which you left upon his desk, do you know whether or not there was any reference in them made to the Ray case?

Gen. CROWDER. Yes, sir; there was. My cursory examination of them, which was a rush examination, as I have already explained, was not so complete that it would enable me to answer in detail that question, but my impression is that they were all more or less directly related to the Ray case.

Mr. DIFENDERFER. Did they reflect in any way upon Maj. Ray's character as an officer of the Army?

Gen. CROWDER. Well, he was discussed, as I now recollect, in pretty nearly every way, both as an officer and as a man, in some of them.

Mr. DIFENDERFER. And was any political reference made in those papers?

Gen. CROWDER. I do not recall any political reference. My recollection is, Mr. Difenderfer, that the major portion of these letters or papers was correspondence which passed between Maj. Ray and Gen. Edwards when Maj. Ray was stationed in Honolulu. But I want to say that my recollection is most indistinct, for the reason that I was rushing this work in order that the papers might get into the hands of the typists as soon as possible and in order to get the report over here.

Mr. DIFENDERFER. General, how could they be considered as private papers when they passed from one officer to another?

Gen. CROWDER. The criterion that I followed in determining whether these papers were official or not official was this: I considered first whether the cablegrams and letters were sent at private or public expense or were sent under the official frank or under postage, for the purpose of ascertaining how the individual who was sending these communications regarded them; but not as conclusive of the character of the papers. The test I applied primarily was whether or not the paper represented the official action of the sender with regard to any duty he had to perform, and if I found——

The CHAIRMAN (interposing). Whether it represented the official action of whom?

Gen. CROWDER. Of the sender of these letters in respect of any official duty he had to perform. Those are the tests I applied in determining whether or not these papers belonged to the official files or whether they did not belong to the official files.

Mr. DIFENDERFER. That was the rule of censorship which you applied?

Gen. CROWDER. That was my judgment of what constituted an official paper.

Mr. SPEER. General, I presume officers do write one another occasionally about matters privately?

Gen. CROWDER. There is never a day passes that I do not have occasion to write letters that do not go on my official files, and they are generally in respect to official matters, for example, inquiries from Members of Congress that I reply to in that way.

Mr. SPEER. When you received this package of papers from Gen. Edwards had they been opened before you received them?

Gen. CROWDER. I knew that they had been opened before I received them, although I received them from him in a closed package. I had gone to his house on Sunday morning, and he wished to turn them over to me then, and I said no. He wished me to examine them then, and I said, "No; when you are ready to turn them over under the orders of the Secretary of War, bring them to my house and I will take charge of them. I can not make an investigation of them here at your house." So he brought them down to me that evening.

Mr. DIFENDERFER. Then, you have reason to believe that he looked over these papers?

Gen. CROWDER. I know that the outside covering was opened, and the loose papers that had been bound up were displayed, but an original package relating to Maj. Ray, which I understood was turned over by Gen. Bell, seemed not to have been disturbed.

Mr. DIFENDERFER. Had you segregated these papers when you took them to the Secretary of War?

Gen. CROWDER. Yes, sir; in two bundles.

Mr. DIFENDERFER. Did the Secretary of War then return these papers to Gen. Bell by his authority?

Gen. CROWDER. I do not know. I never asked him whether he did or not.

Mr. DIFENDERFER. You are unable to say, then, who sent them to Gen. Bell?

Gen. CROWDER. Or that they were sent.

Mr. DIFENDERFER. You do not even know the date they were returned to him?

Gen. CROWDER. I do not.

Mr. DIFENDERFER. Do you know whether or not the Secretary of War sent the exact papers which you had separated?

Gen. CROWDER. I do not.

The CHAIRMAN. General, you have the Covington resolution before you. Will you kindly examine that resolution and state to the committee whether the papers requested to be delivered are confined to records exclusively?

Gen. CROWDER. I have read over this resolution rather carefully and my interpretation of it is that it should be construed as if it read "all records"—

The CHAIRMAN (interposing). Well, how does it read?

Gen. CROWDER. It reads "all records, reports, letters, or papers of any description which on June 14, 1911, were in or recorded in any bureau or office." I understand that to refer to records, reports, letters, or papers of any description which were in and belonging to; and that it does not cover private correspondence which I might have in my pocket in respect of the subject matter of this resolution.

The CHAIRMAN. Now, General, this case stands about like this: Here is Maj. Ray, who to all effects and purposes stands or stood indicted for an offense which made him subject to a court-martial, and proceedings have been stopped or stayed. Would not any paper that tended to show the motive for stopping a proceeding or a prosecution of this character, which threw any light upon the motive for stopping such procedure, be a matter of evidence that the committee would be entitled to have?

Gen. CROWDER. It might be a matter you would be entitled to call for, but I do not think you have called for it in this resolution. I do not think the language of the resolution supports that view; and I will say this further: that I can not imagine—and I am giving now an individual opinion, and with all due deference to the opinions of others better qualified to speak—I can not believe that it was within the contemplation of the House of Representatives that this resolution as it stands would be effective process to compel the production of private, personal, and confidential correspondence. That is the way I have interpreted it. I do not know that my opinion is better than any others.

Mr. DIFENDERFER. The presumption is, General, that Gen. Bell did not regard this as personal, or he would not have placed them in the same package with public documents. That is my presumption. What is yours?

Gen. CROWDER. Well, I do not feel able to speak for Gen. Bell in regard to that.

Mr. DIFENDERFER. It is very evident to my mind that he did not so regard them or he would have segregated them instead of yourself. When you delivered these papers to the Secretary of War, as Judge Advocate General, did you suggest to the Secretary of War that these should be kept out of the general package which was to be delivered to this committee?

Gen. CROWDER. I made my suggestion to him in this form: "I regard the papers in this pile as belonging to the official files of the War Department; I regard the papers in this pile as not belonging to the official files of the War Department." I did not remain in the office when he was examining them, but on returning I took out with me the official files by his direction.

Mr. DIFENDERFER. Then you set your judgment against that resolution?

Gen. CROWDER. No, sir; I simply interpret the resolution in harmony with my action. It is competent for you perhaps to enact a resolution which would embrace those papers, but I do not think you have done it in this resolution. If you would get out what would be the equivalent of a subpoena duces tecum directed at particular private papers, the question could then be considered; but it seems to me that such papers are not described in the language of this resolution.

Mr. DIFENDERFER. But there is a question as to whether they were private or not. It is evident to me that Gen. Bell did not consider them private or he would not have put them with public correspondence, and you have assumed, as Judge Advocate General of the Army, that they were private papers, notwithstanding Gen. Bell did not consider them as such.

Gen. CROWDER. That is using different language from what I used. I said that they were not a part of the official files.

The CHAIRMAN. Do you consider that the committee had no right to be consulted about these papers that you have denominated as private papers?

Gen. CROWDER. I was not called upon to consider that question, Mr. Chairman, as to what the rights of the committee were. I was only called upon to consider what they had called for. I did not go outside of the papers before me to consider any abstract or hypothetical question that might be brought up in connection with the resolution.

The CHAIRMAN. When papers of the character and type of the Ray records to which we have been referring are received at the War Department, what is the regular and legal office in which to lodge such records?

Gen. CROWDER. The regular office is The Adjutant General's Office.

The CHAIRMAN. These records had passed through that office, had they not?

Gen. CROWDER. Can I complete my answer to the first question?

The CHAIRMAN. Yes, sir.

Gen. CROWDER. The regular office is that of The Adjutant General. As to the legal office, it would be hard to say in regard to that. But one statute law of the United States designates The Adjutant General's Office as an office of record, so far as I have been able to find, and that is with reference to the muster rolls and returns of volunteer armies.

There are also the statutes relating to the Record and Pension Office, which designate certain records as pertaining to that office, and as that office has been combined with The Adjutant General's Office, I take it that all records which were required to be filed in the Record and Pension Office prior to its merger with The Adjutant General's Office are now required by law to be filed in The Adjutant General's Office; so that we would have not only the muster rolls and returns of the volunteer armies, but the medical records, hospital records, and pension correspondence relating to those armies, and also, of course, to the militia when called into the service of the United States. The Adjutant General's Office is not by statute the office of record for any other class of correspondence, but is made so by regulation, which the Secretary of War is competent to change. That is the exact situation about the office of record, as I understand it.

The CHAIRMAN. What was the regulation at the time these papers were received from Manila?

Gen. CROWDER. That The Adjutant General's Office was the general office of record for the War Department.

The CHAIRMAN. The general or the proper office?

Gen. CROWDER. And the proper one, too. It was the office in which all these records naturally went to file.

The CHAIRMAN. Is there any penalty for failure to comply with that regulation?

Gen. CROWDER. The offense of not complying with it is not an offense specifically denounced, but it is covered by the Articles of War.

The CHAIRMAN. What are they?

Gen. CROWDER. The sixty-second article of war, which makes all neglects to the prejudice of good order and military discipline punishable as a court-martial may direct.

The CHAIRMAN. If these papers are by design placed elsewhere than in The Adjutant General's Office, such records as this and this particular record was placed elsewhere than in the proper office, is that any violation of law?

Gen. CROWDER. It depends upon whether or not it was done by authority competent to amend the regulations.

The CHAIRMAN. I beg your pardon.

Gen. CROWDER. I say it depends upon whether or not it was done by the authority of an official competent to amend the regulation. The Secretary of War can make any exception to regulations he pleases.

The CHAIRMAN. Would the mere act of placing a record in a place where it did not belong be an amendment by an officer competent to amend a regulation; or the mere act of placing it there, would that be construed as an amendment of the regulation?

Gen. CROWDER. No, sir; but as granting an exception to it, an individual exception to the operation of the regulation. There is nothing better settled than that the Secretary of War can make exceptions to regulations in individual cases as he pleases.

Mr. DIFENDERFER. But, General, the placing of these records with Gen. Edwards was not by order of the Secretary of War, was it?

Gen. CROWDER. It was done, as I understand from testimony that I have heard and read elsewhere, by authority of a man who is competent to speak for the Secretary of War, namely, the Chief of Staff.

Mr. DIFENDERFER. Let me see if I understand you, General. Any given regulation of the War Department, if it is violated by a person in authority to amend it, is not construed to be a violation?

Gen. CROWDER. I should put it differently. If it was not complied with by a man competent to amend the regulation, it is not a violation of the regulation.

Mr. DIFENDERFER. Along the same line, I suppose that a member of the legislature who participates in legislation would have the right to violate any statute that the legislature would pass?

Gen. CROWDER. Oh, no, sir; that is a totally different question.

Mr. SPEER. It is a well-known rule of courts that the court does not have to obey his own rules. He can violate them if he wants to.

Gen. CROWDER. You will find that it is a well-settled principle of administrative law everywhere that the authority competent to make a regulation can make exceptions to it or act in derogation of it.

The CHAIRMAN. You say that is a well-defined practice?

Gen. CROWDER. It is an absolutely settled and accepted construction. You will find it applied by the comptroller in matters of disbursement.

The CHAIRMAN. In regard to penal offenses?

Gen. CROWDER. We do not legislate as to crimes in our regulations. I am speaking of the right to depart from the regulations requiring correspondence to be filed in a particular office. Until Congress has spoken and said it should be filed in that particular office, the Secretary of War is competent to send the records to any bureau in the War Department.

The CHAIRMAN. Kindly cite us that authority.

Gen. CROWDER. I have not got it here at hand, but I can give you numerous authorities to that effect if you will give me permission to put them in when I can get to my library and get the references.

The most recent decision on this point is found in IX Comptroller's Decisions, 284, where the comptroller said:

Even if Congress has directly before it a regulation, or set of regulations, and which it specifically approves, this fact can not make such regulation or regulations the law of the land. At best such act would only be a legislative construction of its or their validity. The question as to whether a regulation is valid and binding is not a legislative function, but one for the judicial branch of the Government to finally determine when properly called into question. If legal and within the scope of the authority of the person making it, whether ratified by Congress or not, such regulation has the force of law, but it is not law. Under no circumstances can the law of the land be waived or modified by the head of a department. A regulation is usually simply a method of administering a law. Such is the regulation in question. It was made to aid you in the administration of this appropriation, and is binding upon your subordinates so long as you do not abrogate or waive it. You are at liberty, in my judgment, to change, modify, or *wave it at your pleasure*, always provided that you do not violate some law in your changed or modified regulation, or by making such change, modification, or waiver, you do not encroach upon or abrogate some contractual right fully vested before notice of such change, modification, or waiver.

(Italics supplied.)

Further on the comptroller quotes 24 Court of Claims, 215-216, as follows:

But regulations prescribed and framed by the Secretary of War and which are intended for the direction and government of the officers of the Army and agents of the department, do not bind the commander in chief nor the head of the War Department (Burns's case, 12 Wall., R., 246). The second comptroller, therefore, could not properly rely upon the Army Regulations as authority for refusing to pay an expenditure ordered by the Secretary of War.

In line with these opinions are prior opinions of the comptroller found in II Comptroller's Decisions, 140, 306; III id., 218; IV id., 40, 366, 387.

Mr. SPEER. The Secretary of War might have had these papers taken to his own office and put them in a private file if he wished?

Gen. CROWDER. And put them where he pleased as long as the statute did not cover this particular description of records.

Mr. DEFENDERFER. As I understand it, the Secretary of War did not have them in his possession at any time?

Gen. CROWDER. I was not on duty in Washington at that time.

Mr. SPEER. The presumption is the Chief of Staff is acting under his orders.

Gen. CROWDER. Certainly.

The CHAIRMAN. And the presumption is that there is no rule or regulation governing the Chief of Staff?

Gen. CROWDER. If you will turn to the Army Regulations, you will find very elaborate regulations governing the Chief of Staff.

The CHAIRMAN. If he can violate them *ad libitum*, of what use or value or service are they?

Gen. CROWDER. He speaks in representation of the authority who makes them.

The CHAIRMAN. I understood you to say he is the authority for making them.

Gen. CROWDER. The Chief of Staff?

The CHAIRMAN. That is the way I understood it.

Gen. CROWDER. Under no circumstances.

The CHAIRMAN. Then it is the Secretary of War who does make these rules and regulations?

Gen. CROWDER. The Secretary of War.

The CHAIRMAN. Then, if the Secretary of War makes a rule or regulation, the Chief of Staff, who has no authority *per se*, can violate them and not be subject to any penalty whatever?

Gen. CROWDER. When he acts in representation of the Secretary of War it is as if the Secretary of War himself were acting.

The CHAIRMAN. It is the Secretary of War breaking the regulations himself?

Gen. CROWDER. It is just the same as though the Secretary of War had authorized it. When the Chief of Staff speaks to me and gives me a direction, I presume, and so does every Army officer, that he is speaking by direction of the Secretary of War.

The CHAIRMAN. Now, I understood you to say a moment ago that there is no law, statute, rule, or regulation defining the duties of The Adjutant General?

Gen. CROWDER. No, sir; I did not make a statement like that; at least, I did not intend to.

The CHAIRMAN. Well, what was your statement?

Gen. CROWDER. I spoke with reference to The Adjutant General's Office as an office of record, and I said I had encountered but one statute which expressly made it an office of record for a particular class of records, namely, muster rolls and returns of volunteer armies.

I referred you to another piece of legislation which made the Record and Pension Office an office of record for a certain class of papers, and that both classes of papers were now filed in The Adjutant General's Office in pursuance of statute; and then I summarized by stating that that included muster rolls and returns of volunteer armies, medical history, and pension matters respecting volunteers and militia when called into the service of the United States. I said that there the statutory jurisdiction ceased, and everything else was based on regulation.

The CHAIRMAN. Now, that is the very point I want to get at. I want you to cite the committee to those rules and regulations covering everything else other than the matters you have enumerated.

Gen. CROWDER. Article 60 of the Army Regulations, I think it is.

The CHAIRMAN. What is the general import of Title 60?

Gen. CROWDER. First, as I recall it, it defines The Adjutant General's Office as a general office of record, then it proceeds in considerable detail to specify the records that come to him repeating the provisions of the statutes I have quoted, and then other provisions which are based on regulation alone.

Mr. SPEER. Then as I understand, General, when the Chief of Staff, General Bell, sent these papers in to Gen. Edwards, Gen. Edwards was perfectly justified in assuming he was to keep those papers in his office until called for?

Gen. CROWDER. That is right.

Mr. SPEER. And that it was being done by proper authority?

Gen. CROWDER. Yes, sir.

Mr. DIFENDERFER. Now, what authority took those papers out of his possession?

Gen. CROWDER. Out of Gen. Edwards's possession?

Mr. DIFENDERFER. Yes, sir.

Gen. CROWDER. The direction of the Secretary of War to turn them over to me.

The CHAIRMAN. Where did he get his authority?

Gen. CROWDER. The Secretary of War?

The CHAIRMAN. Yes.

Gen. CROWDER. He had never lost it. He had absolute control.

Mr. DIFENDERFER. Did not Congress demand them by this resolution?

Gen. CROWDER. They demanded a part of them; yes; but the demand was addressed to the Secretary of War, and he had to recover possession of them before he could comply with the demand.

Mr. DIFENDERFER. Then, the Secretary of War was instructed by act of Congress to take these papers out of the possession of Gen. Edwards?

Gen. CROWDER. He was instructed to produce all papers. He was not specifically directed toward this class of papers. Indeed, the Covington resolution antedates the whole transaction, I think, by about eight months.

Mr. DIFENDERFER. Where does he get his authority to pass censorship upon such records?

Gen. CROWDER. Who?

Mr. DIFENDERFER. The Secretary of War.

Gen. CROWDER. I think it is competent for the Secretary of War to pass upon the official character of the records of which he is custodian, in the first instance. I do not mean he can exercise a discretion which may not be a reviewable one, but I should say that the decision in the first instance lies with the Secretary of War.

Mr. DIFENDERFER. He then acted upon your recommendation?

Gen. CROWDER. I can not say to what extent he was influenced by my recommendations. He perhaps acted on his own judgment.

Mr. SPEER. Is it not a fact, General, that there have been times in the history of this country when heads of departments and the President of the United States have refused to produce papers when Congress demanded them?

Gen. CROWDER. I think you will find the Messages and Papers of the Presidents contain many instances of such refusals.

The CHAIRMAN. This Ray record having passed through the office of The Adjutant General—

Mr. SPEER. There is no evidence that it ever did that, when it came back from the Philippines.

The CHAIRMAN. It went from the Office of The Adjutant General, by order of the Secretary of War, to Manila, and was cabled back.

It had passed through The Adjutant General's office before it left the United States on its way to Manila.

When the Chief of Staff delivered these papers to Gen. Edwards, was it not the duty of the Chief of Staff to have made a record of that delivery and have filed that with The Adjutant General?

Gen. CROWDER. I know of no regulation which would have required him to do so.

The CHAIRMAN. Do I understand that the Chief of Staff would have taken such a record as this record about which we have been talking and destroyed it by fire, for instance?

Gen. CROWDER. If he had done that he would have come under the provisions of a penal statute and be subject to a penalty of imprisonment and fine. That is a totally different question. The penal code makes adequate provision for such an act.

The CHAIRMAN. Now, suppose the Chief of Staff had sent this record back to the Philippine Islands on his own motion, as he did when he put it with Gen. Edwards in the Bureau of Insular Affairs, he would have been protected then, would he?

Gen. CROWDER. I can not distinguish between that case and placing it where he did. I begin to draw the distinction if he had placed it outside of military control. I think the act would then appear more irregular, but as long as he keeps it within military control I can not distinguish between one place of deposit and another.

The CHAIRMAN. He could have taken it to his home?

Gen. CROWDER. I did not say so; no, sir.

The CHAIRMAN. Well, I will ask you if he could have done that and been protected in doing it?

Gen. CROWDER. Well, he would not have come within the provision of the penal statute by doing that.

The CHAIRMAN. Could he have taken it and put it in a strong box in a safety vault company, or something of that kind?

Gen. CROWDER. That would have violated a custom of the service, but not any express regulation.

The CHAIRMAN. What custom would that have violated?

Gen. CROWDER. The one that is as much within your knowledge as mine, namely, that the regular place of deposit for records of that kind is the War Department. I should describe it as an unusual procedure when papers were taken outside of the War Department unless they were in military files.

The CHAIRMAN. Would not that operate just as in the other case? The person who has the authority to make a rule or regulation has the authority to violate it, has he not?

Gen. CROWDER. Yes; he has authority to act in derogation of its requirements; that is, he has a right to grant an exception to the operation of the regulation in a particular case.

The CHAIRMAN. Did I understand you to say, in answer to my question, that there was nothing, either by practice, rule or regulation or statute, that required the Chief of Staff, when he did file these papers in the Bureau of Insular Affairs, to have put on record somewhere in the War Department a paper showing where these records were lodged?

Gen. CROWDER. I know of no such requirement.

Mr. SPEER. It seems he did take a receipt.

The CHAIRMAN. The point is, Should he not have filed that in the proper office for such records, namely, The Adjutant General's Office?

Gen. CROWDER. I know of no such requirement of regulation, Mr. Chairman.

The CHAIRMAN. Is such a procedure as this a general practice in vogue in the War Department?

Gen. CROWDER. I think not; not to my knowledge. I should describe it as an unusual procedure.

The CHAIRMAN. An unusual procedure?

Gen. CROWDER. Yes, sir. I know of no other instance where it has been done in 34 years' service.

The CHAIRMAN. What was the justification for this instance?

Gen. CROWDER. I know nothing about that. I was not on duty in the city of Washington at the time it was done.

The CHAIRMAN. Well, from your knowledge of the law and the rules and the regulations of the department?

Mr. SPEER. You are asking him to guess at something.

The CHAIRMAN. No; I am asking him for a fact.

Gen. CROWDER. That would be for me to impute motives or assign reasons for the action of another man; and I do not feel competent to do that, Mr. Chairman.

The CHAIRMAN. I did not intend to do that; but you are the Judge Advocate General and you are familiar with the laws. I will ask the stenographer to read my question.

The stenographer read as follows:

The CHAIRMAN. What was the justification for this instance?

Gen. CROWDER. I know nothing about that. I was not on duty in the city of Washington at the time it was done.

The CHAIRMAN. Well, from your knowledge of the law and the rules and the regulations of the department?

Gen. CROWDER. I do not know what the justification was. I have never heard anything from the man who made the order. I have never heard his side of the case at all—I mean Gen. Bell. I do not know what his justification is.

The CHAIRMAN. You have described this as a very unusual and exceptional practice. Why do you make that statement?

Gen. CROWDER. Because I have not heard of it before.

The CHAIRMAN. You say this is one instance in how many years' service?

Gen. CROWDER. I said 34 years. Let me take that back, upon counting my entire service—31 years' commissioned service.

The CHAIRMAN. And in all that time the right of the Chief of Staff to do what has been done in this case is based solely upon the fact that the power which has the right to make rules and regulations carries with it the right to revoke those rules and regulations by departing from them?

Gen. CROWDER. Or by granting an exception to them.

The CHAIRMAN. Now, what do you mean by "granting an exception to them"?

Gen. CROWDER. I mean that when an individual case arises the Secretary of War may except that individual case from the operation of the regulation.

The CHAIRMAN. And he does not have to make any memorandum or record of it?

Gen. CROWDER. It is customary for him to put upon the paper his authority for the case to be disposed of in that particular way; or for the Chief of Staff to do it for him, saying that the Secretary of War so directs, or something of that kind.

The CHAIRMAN. Do you care to express an opinion as to whether or not that is a loose way of doing business, General?

Gen. CROWDER. Indeed, it is quite the usual way. I think when the Chief of Staff speaks to or directs any officer of the Army, the assumption is instantaneous that he is speaking or directing by authority of the Secretary of War. I do not know any other way in which we could transact the business of so great a department.

The CHAIRMAN. How does it happen that in 34 years of service this is the only case of that kind, if that is the usual and customary practice?

Gen. CROWDER. The two questions do not connect very well. In the first place, the time is 31 years, and while some portion of it has been spent in Washington, my observation of the office of Chief of Staff has not extended over a very great period, so that the premises you assume put me in an attitude which I ought not to take in respect of the question you ask. I am not saying that in 31 years this has not occurred in the War Department, because I did not know anything about the War Department when I was serving in the junior grades.

The CHAIRMAN. Pardon me. How long have you served in the War Department?

Gen. CROWDER. I was appointed Judge Advocate General on February 15, 1911, and I have been here continuously since that time. Prior to February 15, 1911, I was here for a few months at a time after the organization of the General Staff, but I had an intervening tour of two years and a half in Cuba, and another tour of 18 months or more in China, so that I have not been continuously here at all.

The CHAIRMAN. Your service and your life work has been such as to have given you knowledge of the general workings of the Department, have they not?

Gen. CROWDER. Oh, yes. I have had the usual opportunity—

The CHAIRMAN (interposing). Pardon me for putting the question a little bluntly, but you are conclusively presumed to have been competent and worthy to fill the position you are now filling by reason of the experience and practice which you have had?

Gen. CROWDER. I am much obliged to you for being generous enough to entertain that view.

Mr. DIFENDERFER. In the segregation of these Ray letters and in using your judgment as to which were official and which were non-official, did you take occasion to read any of those that were returned to Gen. Bell?

Gen. CROWDER. In the first place, I do not know that any of them have been returned to Gen. Bell; but I took occasion to read those that were described by me as nonofficial to the extent of discovering that they were nonofficial, and when I found a letter of a private, personal, or confidential nature that did not bear the earmarks of official action of the sender or writer, I treated it as I generally treat private correspondence of another individual, and did not read it through.

Mr. DIFENDERFER. Did those that you did read bear upon the shortcomings of Maj. Ray in any respect?

Gen. CROWDER. My recollection is that he was discussed both as an individual and as an officer, in some of them.

Mr. DIFENDERFER. Was there any reference made in any of those letters that bore upon his private and official character?

Gen. CROWDER. I do not recall now. I think I understand the full purport of your question.

The CHAIRMAN. General, how many cablegrams were in the record you segregated and turned over as private?

Gen. CROWDER. I think there were probably three or four.

Mr. DIFENDERFER. Were they in cipher?

Gen. CROWDER. No. I saw only the copies. The originals were not there, but only the copies were in those papers.

The CHAIRMAN. Do you know anything about the date of those cablegrams? Can you recall the date of any of them?

Gen. CROWDER. No, it would be impossible for me to do that, Mr. Chairman.

The committee thereupon took a recess until Thursday, March 14, 1912, at 10 o'clock a. m.

By request of the committee the following is inserted:

The military statute of limitations (the one hundred and third article of war) in respect of offenses other than desertion provides as follows:

"No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period."

In Senate Document No. 558, Sixty-second Congress, first session, there are set forth on pages 134 to 138, inclusive, charges and specifications preferred against Maj. Ray. The charges were laid under the sixty-first and sixtieth articles of war, there being 18 specifications under the former charge and 5 under the latter. Of the 18 specifications 6 charged offenses alleged to have been committed in October of 1907, 7 in November of 1907, 3 in December of 1907, 1 in August of 1908, and 1 in September of 1908. Of the 5 specifications to the second charge all charged offenses alleged to have been committed in October of 1907; so that at the date of my examination of the papers the two-year period of the statute of limitations had run as against all these offenses, and in respect of all but two more than four years had elapsed since their commission.

The charges which have had greatest prominence in this investigation, to wit, the alleged withholding of payment from five Philippine scouts, in October of 1907; the alleged irregularity in payment in the case of Pvt. William S. Stewart, in November of 1905; the alleged underpayment of Capt. Davidson, April 8, 1902; the alleged overpayment of mileage on the official trip to Aparri, in November of 1907, were all covered by the statute of limitations, and the trial of Maj. Ray upon such charges could not have proceeded in the face of his objection.

The letter of Maj. Ray's clerk recorded in Document 15, Hearings before the Committee on Expenditures in the War Department, bears date June 25, 1910. While it assigns no specific date for the offenses there charged against Maj. Ray, it is presumable that the charges related to misconduct of approximately that date, but had Maj. Ray been arraigned before a court-martial upon the charges alleged by his clerk, the testimony of the latter, if it could have been compelled in the face of his subsequent refusal to appear as a witness against Maj. Ray, would have been hearsay and objectionable on that ground.

EXPENDITURES IN THE WAR DEPARTMENT.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, HOUSE OF REPRESENTATIVES, *Thursday, March 14, 1912.*

The committee met at 10.30 o'clock, a. m., Hon. Harvey Helm (chairman) presiding.

Present: Representatives Helm (chairman), Bulkley, Difenderfer, Hinds, and Speer.

TESTIMONY OF GEN. C. C. SNIFFEN, UNITED STATES ARMY, RETIRED.

The CHAIRMAN. General, please give us your name.

Gen. SNIFFEN. Gen. C. C. Sniffen, United States Army, retired.

The CHAIRMAN. How long have you been retired, General?

Gen. SNIFFEN. Since January 1, 1908.

The CHAIRMAN. During your service did you ever have any knowledge of an officer in the Pay Department, Maj. Beecher B. Ray? I will ask you to state to the committee what knowledge or information you had of him as an officer in the Army?

Gen. SNIFFEN. Mr. Chairman, I have drawn up a statement which would cover that question, and carry me straight through, if you will allow me to read it.

The CHAIRMAN. We will be pleased to have you read it.

Gen. SNIFFEN. In 1904 I was ordered to New York City as chief paymaster, Department of the East. Maj. Ray was stationed there, and for the first time I came into daily association with him. Before he was ordered to Chicago in the following April I became convinced that his word was not to be relied upon, and that his talk of his great political and labor influence was very much exaggerated. Paymaster General Dodge told me that his order to Chicago was made on the personal request of Maj. Ray, who gave as a reason the illness of his mother in Kansas.

In September, 1904, I was chief paymaster of Camp No. 1 in the joint maneuvers at Manassas, Va., and Maj. Ray was chief paymaster of Camp No. 2. My contact with him at this time confirmed my former conclusion regarding his unreliability, in proof of which I submit herewith three papers, marked "Exhibit A." Shall I read Exhibit A?

The CHAIRMAN. Yes, sir.

Gen. SNIFFEN. This is an official telegram of the War Department, carried into the file of the adjutant general of the division then in maneuvers, and that accounts for its being dated "War Department,

official telegram;" it ought to have been "Thoroughfare, Va." This came from Thoroughfare, Va.:

SEPTEMBER 10, 1904.

Col. SNIFFEN,
Chief Paymaster, Manassas, Va.:

Commanding General Atlantic Division desires that arrangements be made for payment of troops and noncommissioned staff that are to remain at the different camps after the main body of regular troops have left.

HEISTAND, Adjutant General.

Phoned to Maj. Ray, chief paymaster, second division, and directed him to govern himself accordingly for payment of remaining regulars in camp.

[Telegram.]

UNITED STATES SIGNAL CORPS, CAMP No. 2,
Thoroughfare, Va., September 10, 1904—3 p. m.

SNIFFEN,
Chief Paymaster, Manassas, Va.:

Payments have been made in this division. Funds and paymasters have left for their home station.

RAY, Chief Paymaster.

The above telegram is untruthful, as Maj. Holloway, much to my surprise, came into my camp from camp 2 on the morning of September 11 and reported that he paid the Twelfth New York National Guard at 10 p. m. September 10, and that Maj. Slaughter paid the Second New York National Guard at 11 p. m. September 10. Both these officers were under Maj. Ray.

He therefore had both funds and paymasters with which to carry out the adjutant general's instructions as turned over to him by myself. The remaining Regulars in Maj. Ray's camp were paid by paymasters serving under me, who were unnecessarily detained from joining their stations one day.

Maj. Ray left his camp early in the evening of September 10, as shown by the following telegram:

CAMP No. 2,
Thoroughfare, Va., September 10, 1904—11.27 a. m.

PAYMASTER GENERAL UNITED STATES ARMY,
Washington, D. C.

Troops paid, except two New York regiments, who will be paid after review. Please call at club to-night 9 o'clock.

RAY, Chief Paymaster.

That was dated 11.27 in the morning of the 10th, and at 3 o'clock in the afternoon of the 10th he told me that "payments have been made in this division, funds and paymasters have left for their home station," which was untruthful.

The CHAIRMAN. General, make a short, concise statement in explanation of this exhibit which you have just read, so that it can be in connected form. What is the significance of it?

Gen. SNIFFEN. The significance of it is that his telegram to me at 3 p. m. September 10, 1904, informed me that payments had been made in his division, and that funds and paymasters had left for their home station, when, as a matter of fact, it was 10 o'clock of the night of the 10th before one regiment was paid in his camp, and 11 o'clock on the night of the 10th before the other regiment was paid. So it was untruthful for him to say that at 3 o'clock these troops had been paid and that he had no funds and no paymasters left. If it were a

fact that he had neither funds nor paymasters, of course I would have sent paymasters to pay the remaining troops in his camp that were left over to protect property before all the troops were withdrawn.

The CHAIRMAN. It is purely a question of veracity?

Gen. SNIFFEN. It is a question of veracity; yes.

The CHAIRMAN. And no culpability of conduct?

Gen. SNIFFEN. Yes; because my paymasters paid the troops which he neglected to pay and of which he said he had neither funds nor paymasters to pay.

Mr. HINDS. It seems to be such a transparent prevarication. May I ask whether this man is a temperate man, who keeps up with his business, so that he knows what is going on in his department?

Gen. SNIFFEN. Yes; he is temperate. At least I have never known him to be anything else.

Mr. HINDS. The query that enters my mind is what his motive could have been.

Gen. SNIFFEN. His motive was that he telegraphed the Paymaster General that he wanted to meet him at the club at 9 o'clock and he wanted to skip out of his work there and get to Washington to meet that engagement. In order to do that, he telegraphed me that the troops had been paid when I told him that the department commander wanted these men who were left behind to be paid.

Mr. HINDS. That explains it.

Mr. DIFENDERFER. In other words, his engagement was more important to him than the payment of the troops?

Gen. SNIFFEN. Yes; that was it.

Upon my arrival in Washington, September 12, 1904, I reported the falsity of Maj. Ray's telegram to me of the 10th of September, but the Paymaster General did not think the matter important enough for disciplinary action. The unfavorable impression then created in my mind, however, has since remained with me, and from that date I have taken a peculiar interest in his varied activities.

Of course, you understand, gentlemen, an officer who does not tell the truth, either in the Army, Navy, or Marine Corps, and I suppose in the Revenue-Marine Service, commits a greater crime than a civilian would, in our estimation.

Mr. DIFENDERFER. He is unreliable?

Gen. SNIFFEN. Yes.

Mr. HINDS. Perhaps it is digressing, but is that idea founded on the old necessities of the military service or the old monarchial idea of military service?

Gen. SNIFFEN. I should think it would be founded on morality more than anything else. I should think every man ought to tell the truth under all circumstances.

Mr. HINDS. Yes; but you court-martial a man at times in the Army for not telling the truth, do you not?

Gen. SNIFFEN. Sure.

Mr. HINDS. And they do not do that in some other branches of human activity, although it hurts him in the estimation of his fellows?

Gen. SNIFFEN. Yes; it makes him contemptible.

Mr. HINDS. Yes; and I suppose the idea is that an officer who is contemptible would not have any influence over his men, and therefore it is necessary to get rid of him.

Gen. SNIFFEN. Why, certainly.

Mr. HINDS. That is all I have to ask.

Gen. SNIFFEN. I was appointed Paymaster General in September, 1906, and immediately a request for Maj. Ray's retention on duty in Chicago was made by Senator Hemenway, but because he had had the shortest foreign service of any paymaster of his rank or the rank of captain, I at once slated him for Philippine service when a vacancy should occur in the spring of 1907. Before my intention could be carried into effect, however, there were a few difficulties to be overcome, as shown by copies of papers herewith submitted and marked "Exhibit B," and by paragraphs 1 to 4 of my letter to Gen. Weston, pages 718-719 of Hearings No. 15.

Do you desire me to explain the difficulties I refer to?

The CHAIRMAN. Yes, sir.

Gen. SNIFFEN. It was a rather difficult thing to move that man, but I made up my mind to do it.

HEADQUARTERS DEPARTMENT OF THE LAKES,
OFFICE OF THE ATTENDING SURGEON,
Chicago, Ill., March 21, 1907.

The SURGEON GENERAL, UNITED STATES ARMY,
Washington, D. C.

SIR: Referring to your communication of March 16 regarding Maj. B. B. Ray, paymaster, United States Army, I have the honor to report that Maj. Ray has been suffering from right frontal sinusitis with staphylococcus infection.

The condition is due to an extension of a rhinitis and to deficient drainage of right nostril from deviation and spur of septum.

He returned to duty March 14, 1907. He is not now fit for service in the Tropics, and in my opinion will not be fit for such duty for at least six months.

Very respectfully,

SAMUEL C. STANTON,
Contract Surgeon, United States Army, Attending Surgeon.

[First indorsement.]

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, March 25, 1907.

Respectfully forwarded to the Paymaster General, United States Army. Whether frontal sinusitis incapacitates for tropical service depends entirely upon the gravity of the particular case. If it is desired to send Maj. Ray to the Tropics it is recommended that he be ordered to the United States Army general hospital, Presidio of San Francisco, Cal., for one month for observation and treatment, with a view to careful determination of his fitness or unfitness.

R. M. O'REILLY,
Surgeon General, United States Army.

[Second indorsement.]

WAR DEPARTMENT,
PAYMASTER GENERAL'S OFFICE,
Washington, April 24, 1907.

Respectfully forwarded to The Adjutant General. In view of the recommendation of the Surgeon General, I have the honor to request, as necessary in the military service, that Maj. B. B. Ray, paymaster, be relieved from duty in the Department of the Lakes on May 31, 1907, and directed to proceed to and take station at San Francisco, Cal., reporting to the commanding general, Department of California, and then to repair to the general hospital, Presidio of San Francisco, for the purposes recommended in the preceding indorsement.

C. C. SNIFFEN,
Paymaster General United States Army.

Now, anticipating a great deal of difficulty because of the political assistance Maj. Ray had invoked to keep him in the United States, I submitted the following memorandum to the Secretary of War, the

present President. It was not usual for me to do those things. I usually conducted my business myself, but I knew it was necessary to be backed up in this thing, and I submitted this memorandum:

PAYMASTER GENERAL'S OFFICE,
April 25, 1907.

Memorandum for Secretary of War:

In view of the fact that the Surgeon General has recommended that Maj. B. B. Ray, paymaster at Chicago, be ordered to the general hospital, Presidio of San Francisco, for one month for observation and treatment for frontal sinusitis, to determine his fitness for foreign service, and in view of the additional fact that the requirements in the Department of the Lakes at the present time do not demand the services of three paymasters, I will request The Adjutant General that Maj. Ray be relieved from duty in Chicago on May 31 and ordered to the general hospital in that city for observation and treatment to determine the gravity of his ailment.

On the 10th of September, 1906, a request was made of the War Department from an Indiana Senator that Maj. Ray be retained in Chicago. I therefore have the honor to submit the following:

Maj. Ray was appointed in 1898 and has been peculiarly favored with stations at Washington, Denver, San Francisco, New York City, and three times at Chicago, aggregating 4 years 5 months at the latter place (3 years of which will have been his present tour on the 25th instant). Except as mentioned above his only station has been in the Philippine Islands from August 12, 1901, until April 4, 1903 (1 year 7 months 23 days), his tour having been thus shortened by 5 months on account of political intervention.

Because of Maj. Ray having had the shortest foreign service tour of any officer in the Pay Department of his rank and the rank of captain, he will be the next officer recommended for duty in the Philippine Islands unless the investigation at the hospital in San Francisco discloses the fact that he is unfit for such duty. Of the 20 officers of his rank, 13 have had two tours of foreign service and the other 6 are not due for foreign service, in a regular impartial order of assignment.

C. C. SNIFFEN,
Paymaster General, United States Army.

I took this memorandum to Mr. Taft in person.

Now, that was my proposition, and the proposed action is next:

Respectfully forwarded to The Adjutant General. In view of the recommendation of the Surgeon General, I have the honor to request, as necessary in the military service, that Maj. B. B. Ray, paymaster, be relieved from duty in the Department of the Lakes on the 31st of May, and directed to proceed to and take station at San Francisco, Cal., reporting to the commanding general, Department of California, and then to repair to the general hospital, Presidio of San Francisco, for the purposes recommended in the preceding indorsement.

Submitted to Secretary Taft and initialed "W. H. T."

The Secretary of War thus confirmed my request for the order.

Mr. HINDS. That initialing means he confirmed your order?

Gen. SNIFFEN. Yes; he put "W. H. T." on the original request for the order.

Mr. HINDS. That is the usual method?

Gen. SNIFFEN. No; I adopted an unusual method in consulting the Secretary of War, because I knew this was a doubtful proposition.

Mr. HINDS. But that is the usual method whereby the Secretary gives his assent to a proposition?

Gen. SNIFFEN. Yes; to a memorandum it would be initialed rather than signed.

Mr. BULKLEY. When you say it was a doubtful proposition, you mean on account of political influence?

Gen. SNIFFEN. That might be anticipated always in the case of Maj. Ray.

Mr. DIFENDERFER. Who was the United States Senator from Indiana you referred to?

Gen. SNIFFEN. Senator Hemenway.

I then wrote a confidential letter to Col. Torney, who is now the Surgeon General, and who was then the commanding officer at the general hospital, Presidio, San Francisco, Cal.:

APRIL 25, 1907.

MY DEAR TORNEY: I inclose you confidentially the story of Maj. Ray, who will no doubt get to you in early June. I do not care to express myself on the opinion of the contract surgeon as to his unfitness for foreign service, but he has been granted a month's leave by his department commander, to take effect April 27, and I want him to sail for the Philippines on July 5 if your diagnosis and conclusion will admit of it. The Surgeon General suggests one month for observation and treatment, but if you can reach your conclusion in half or quarter of that time, so much the better. How will I know of the result you shall find?

Yours sincerely,

C. C. SNIFFEN.

Col. GEO. H. TORNEY,
General Hospital, Presidio, San Francisco, Cal.

Then Torney replied to me as follows:

UNITED STATES ARMY GENERAL HOSPITAL,
Presidio of San Francisco, June 15, 1907.

MY DEAR SNIFFEN: Referring to your letter of April 15, relative to Maj. Ray, without further comment on his case I wish to say he was subjected to a thorough examination after he reported here and found to be in excellent physical condition with the exception of a slight remnant of inflammation resulting from a minor operation on the nose. I did not think it advisable to keep him under observation any longer and yesterday telegraphed The Adjutant General reporting him fit for duty and recommended that he be relieved from treatment at this hospital. I presume that this action has already received the consideration of the department and he will be ordered to sail on the next transport.

With best wishes, I am, yours, sincerely,

GEO. H. TORNEY.

Mr. BULKLEY. In your letter to Col. Torney you mentioned that you inclosed some story about Ray. Have you that with you or could you tell us the substance of it?

Gen. SNIFFEN. I inclosed to Col. Torney the story as herein given to the committee, beginning with the letter of Contract Surgeon Stanton and ending with my memorandum and proposed action, approved by the Secretary of War. Here is a letter from Maj. Ray dated May 28. [Reading:]

PAY DEPARTMENT UNITED STATES ARMY,
Chicago, Ill., May 28, 1907.

The PAYMASTER GENERAL, UNITED STATES ARMY.

SIR: I have the honor to inform you that I have returned May 22, 1907. I was operated on by Dr. Frederick Menge, specialist in Wesley Hospital, Chicago, May 24, 1907. Dr. Menge tells me that the operation was entirely successful and that I am not in need of any other treatment.

Which is a very different story from that which the contract surgeon wrote to the Surgeon General, that he would not be fit for foreign service for six months. [Reading:]

If you have in view Philippine service and my services are needed, I should like very much to proceed direct to Manila without the delay of one month at the general hospital, Presidio, Cal.

The purpose of that was he didn't want a thorough examination at the hospital at the Presidio.

Mr. HINDS. Is the inference from that that the contract surgeon was in collusion with him?

Gen. SNIFFEN. I wouldn't like to say that.

Mr. HINDS. He must have made a mistake in his diagnosis then.

Gen. SNIFFEN. Well, I would say that. [Reading:]

I will depart from Chicago May 31, 8 p. m. or 8 a. m., June 1, 1907.

Very respectfully,

B. B. RAY,
Major, Paymaster, United States Army.

Mr. BULKLEY. Was that letter addressed to you, General?

Gen. SNIFFEN. That was addressed to me. This is only one of those bluffs of his. That's nothing. It don't count for a thing. [Reading:]

Filed for the following reasons.

[First indorsement.]

WAR DEPARTMENT,
PAYMASTER GENERAL'S OFFICE,
June 8, 1907.

Memorandum. There being such a decided conflict between the opinion of Contract Surgeon Stanton's report of March 21 and Dr. Menge's report as contained in letter of Maj. Ray dated May 28, it is deemed best not to interfere with his order for observation and treatment at general hospital, San Francisco.

C. C. SNIFFEN,
Paymaster General, United States Army.

Mr. BULKLEY. As I understand it, that letter which Ray wrote you he wrote to you personally, and you decided to put it on the official file.

Gen. SNIFFEN. He wrote it to me officially.

Mr. BULKLEY. It was an official letter?

Gen. SNIFFEN. Yes, sir; but that didn't carry much weight with me. I will tell you why later on. Here is a letter that Maj. Ray wrote from San Francisco. [Reading:]

HEADQUARTERS DEPARTMENT OF CALIFORNIA,
OFFICE OF THE CHIEF PAYMASTER,
Presidio of San Francisco, Cal., June 12, 1907.

The PAYMASTER GENERAL, UNITED STATES ARMY,
Washington, D. C.

(Through Chief Paymaster, Department of California).

SIR: I have the honor to inform you that the surgeon in charge of my case advises me that I will be ready for duty in less than a week's time—

Which is about three months short of the time the contract surgeon said he would be ready for duty. [Reading:]

Under Special Order 122, Department of California, dated June 4, 1907, I am assigned to duty at these headquarters without any reference to reporting to the chief paymaster for duty, or as to what your office contemplates as to foreign service. I am prepared to sail July 5, if you so desire, accounts all closed, everything packed.

If I am to go to the Philippines in the near future, I should like to be so advised, as my insurance policies have to be changed to conform to foreign duty, and such papers have to go to Chicago for adjustment.

I am anxious to get to duty, as I wrote you before my departure from Chicago.

Very respectfully,

B. B. RAY,
Major, Paymaster, United States Army.

That was forwarded to the Paymaster General. [Reading:]

PRESIDIO OF SAN FRANCISCO, CAL., June 12, 1907.

Respectfully forwarded to the Paymaster General, United States Army, Washington, D. C.

E. W. HALFORD,
*Lieutenant Colonel, Deputy Paymaster General,
United States Army, Chief Paymaster.*

Here is the memorandum that I put on it. [Reading:]

PAYMASTER GENERAL'S OFFICE,

June 17, 1907.

Memorandum. The persistent opposition encountered by this office during the past few months to the removal of Maj. Ray from Chicago completely belies this anxiety for immediate service in the Philippines.

Maj. Ray seeks by pretense of anxiety to place himself right on the records of this office, but the recorded and unrecorded facts are against him.

It is well known that two efforts were made by Senator Hemenway and two by Senator Cullom for his retention in Chicago.

It is known to the Secretary of War and the Chief of Staff that he has sought to impose his political importance on a relative of the Secretary of War with a view to his retention in Chicago. The records of this office show that a contract surgeon in Chicago certified that he would not be fit for tropical service for six months, while a later report from his specialist in Chicago shows that he is fit, and the latest examination by the chief surgeon, general hospital, San Francisco, before whom he was ordered for observation and treatment, confirms the report of the specialist.

It is beneath the dignity of this office to notice this shifty attempt of Maj. Ray to create the impression that he volunteers for Philippine service when the fact is that he is forced to it by official pressure too strong for him to circumvent.

C. C. SNIFFEN,

Paymaster General, United States Army.

Mr. HINDS. This specialist in Chicago certified that he performed an operation, or does he just rest that on his own statement?

Gen. SNIFFEN. That rests on his letter, I will give him credit for having the certificate of the specialist in Chicago, Dr. Menge.

Mr. HINDS. And did Dr. Menge say that he performed an operation?

Gen. SNIFFEN. No; Dr. Menge said nothing. Maj. Ray said it for him.

Mr. HINDS. Do you feel reasonably sure that an operation was performed?

Gen. SNIFFEN. Yes. After he got to San Francisco for observation and treatment, Col. Torney wrote that he was in excellent physical condition except for slight inflammation—the result of a minor operation.

Mr. HINDS. So you are sure an operation was performed?

Gen. SNIFFEN. Yes; although it was really a very small one.

Mr. HINDS. Perhaps that lets out the contract surgeon. That is an obscure trouble, and the contract surgeon not being a specialist, might have made that error. I say that from having sinusitis myself. I have gotten all sorts of opinions from all sorts of doctors. I am not endeavoring to exculpate Maj. Ray, but I just asked a rather harsh question as to the contract surgeon, and I thought that perhaps it was well to bring out that point.

Gen. SNIFFEN. It was bad judgment on the part of the contract surgeon. He probably thought the ailment was more aggravated than it was.

Mr. BULKLEY. Your memorandum refers to an attempt by Maj. Ray to impress himself on a relative of the Secretary of War.

Gen. SNIFFEN. I mean Mr. Charles P. Taft. I didn't care about putting that down at that time. It has developed lately who it was.

Referring to paragraph 6 of the Weston letter, I submit herewith a paper marked "Exhibit C." In connection therewith I wish to state that Exhibit C is a letter from Senator Hanna, as follows:

UNITED STATES SENATE,
COMMITTEE ON ENROLLED BILLS,
Washington, March 16, 1903.

Hon. ELIHU ROOT,
Secretary of War.

MY DEAR SIR: For special reasons I am anxious that Maj. B. B. Ray, a paymaster now in the Philippines, be in this country in time to attend the annual convention of the railway conductors, which is to be held in Pittsburgh this spring. I understand his two years' detail in the Philippines is up about that time and that it would require his return only one or two months in advance of the time he will return under the operation of the department rule. If you can arrange it I will be much obliged.

Truly, yours,

M. A. HANNA.

Mr. DIFENDERFER. Is this a copy of the original?

Gen. SNIFFEN. This is a copy, but a certified copy from the office files of the Paymaster General. [Reading:]

Gen. BATES: What can we do about it?

H. C. CORBIN.

SAN FRANCISCO, CAL., *April 28, 1903.*

RAY, *Paymaster:*

Arrived to-day Logan. Preferences for station New York or St. Louis.

Now, to continue, in reference to this Exhibit C, I wish to state that I was assistant to the Paymaster General in 1903 and requested the order for Maj. Ray's return to the United States, Paymaster General Bates being so indignant over this political interference that he went to New York and left me in charge of the office and the disposition of Senator Hanna's request. En route from San Francisco to New York City in May, 1903, Maj. Ray stopped in Washington, and while here told me that he didn't go to the conductors' convention in Pittsburgh, the necessity for his presence there having passed.

With reference to cablegram of Capt. McIntyre dated November 4, 1907, also found on page 718 of Hearings No. 15, I was indeed "strongly opposed" to returning Maj. Ray to the United States after a stay in the islands of two months instead of two years (then the ordinary tour of duty there). First, the request was an interference with the personnel of my department, which I was trying to run on a fair and square roster of home and foreign service, with respect to every officer in it, and second, while I was just as good a friend of Secretary Taft as Gen. Edwards could possibly be, I felt that political work done by an unreliable Army officer would do a presidential aspirant harm instead of good. It was a matter of common rumor that Maj. Ray had told of breakfasting with Vice President Fairbanks, lunching with Speaker Cannon, and calling on the President whenever he was in Washington, and while I did not believe a word of it I was forced to believe he was trying to "stand in" with all three aspirants, for the reason that Senator Hemenway, by letter, and Senator Cullom, in person, had asked that he be allowed to remain in Chicago.

In concluding this statement I would say that I was retired from active service on January 1, 1908, and have no knowledge of the irregular transactions in Maj. Ray's accounts which came to light the year following. Neither have I any personal knowledge of his political activities during the year 1908. Up to 1904 I, like everyone else, was rather overcome by the supposed great weight of Maj. Ray in politics, and all that sort of thing, and I succumbed, I admit it, with

shame. I tried to correct that error as soon as I became Paymaster General, in 1906, and had a hard time doing it.

Mr. HINDS. So he managed to work every presidential election.

Gen. SNIFFEN. Yes; and every aspirant for the presidency. He is the finest you ever saw.

Mr. HINDS. What would you have done, General, if we had presidential elections oftener?

Gen. SNIFFEN. I don't know; I wouldn't have had a department at all I suppose.

Mr. DIFENDERFER. He would have been shifted oftener probably?

Gen. SNIFFEN. Yes, sir. His is the most peculiar case I ever had any experience with. He was the only officer in the department who ever made a word of protest against any order, and it was impossible for us to change his orders without doing an injustice to some one, because we ran an impartial roster, and every officer had to go on foreign service when his turn came. If you take an officer out of the Philippines prematurely, or if anyone attempts to do it without the authority of the Paymaster General, you upset the roster and you do an injustice to the officer who has to go before his turn and fill that hole up. It is unfair to send some other man out there, and make him go to the expense of moving and packing up and all that sort of thing.

The CHAIRMAN. It is sort of an endless-chain affair, isn't it? When a man is taken out of his regular place it throws the whole gear out.

Gen. SNIFFEN. Yes; and just to accommodate one man you may discommode half a dozen.

The CHAIRMAN. Entailing very considerable expense.

Gen. SNIFFEN. Expense, of course; unnecessary expense. I understand that Gen. Edwards said I was quite violent in my opposition to Maj. Ray's return to the United States. Well, I had a perfect right to feel violence, vehemence, or indignation after working six months to get a man out to the Philippines and then within 60 days comes a cable pulling him back to the United States. I wouldn't go into Gen. Edwards's office and attempt to get an officer taken from his office and put somewhere else. It was none of Gen. Edwards's business or the business of anybody else with less paramount authority to interfere in the conduct of the affairs of the Pay Department. The Paymaster General knows his affairs; he knows where they can do the best work and where they should go. So I certainly was right in that attitude.

The CHAIRMAN. Has any member of the committee any questions that they desire to ask?

Mr. DIFENDERFER. So far as I am concerned I think the general has answered every question very fully. I move that we take a recess until 10 o'clock to-morrow morning.

The CHAIRMAN. Without objection, it is so ordered.

Whereupon, at 11 o'clock a. m., the committee adjourned to meet at 10 o'clock a. m., March 15, 1912.

EXPENDITURES IN THE WAR DEPARTMENT.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, HOUSE OF REPRESENTATIVES, *Monday, March 18, 1912.*

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

The following members of the committee were present: Messrs. Martin, Bulkley, Speer, and Warburton.

TESTIMONY OF GEN. LUKE E. WRIGHT, OF MEMPHIS, TENN.

The witness was duly sworn by the chairman.

The CHAIRMAN. Please state your name to the committee.

Gen. WRIGHT. Luke E. Wright

The CHAIRMAN. You were formerly the Secretary of War?

Gen. WRIGHT. Yes, sir.

The CHAIRMAN. Covering what period, please, General?

Gen. WRIGHT. I was Secretary about the last eight months of Mr. Roosevelt's second term as President, beginning, probably in June of 1908. I believe it was 1908. It was 1908, if I am not mistaken.

The CHAIRMAN. Gen. J. Franklin Bell was the Chief of Staff during that period, was he not?

Gen. WRIGHT. Yes, sir; he was.

The CHAIRMAN. While you were Secretary of War, did you have have any knowledge of an officer in the Pay Department by the name of Maj. Beecher B. Ray?

Gen. WRIGHT. Yes, sir; some.

The CHAIRMAN. Please state to the committee just to what extent you knew him, either personally or officially.

Gen. WRIGHT. I never saw Maj. Ray but once—

The CHAIRMAN (interposing). When was that?

Gen. WRIGHT (continuing). In my life, as I recall, I am sure I never did see him but once.

The CHAIRMAN. When and where was it that you saw him?

Gen. WRIGHT. He came to my office to see me about an order that had been made for his going to the Philippine Islands, where he has formerly been stationed, as I understand. Do you want me to say what passed between us?

The CHAIRMAN. Yes, sir; in your own way.

Gen. WRIGHT. It seems, as I recall it—and, of course, I am giving it to you from my memory of events which at the time did not impress me very seriously, and, of course, I had an immense number of matters before me that were routine in character, and I was meeting Army

people every day about something or other—but my recollection is, and I am fairly clear about that and I am trying to recall the matter—as I say, my recollection is that the Paymaster General, if I am not mistaken, or the Chief of Staff had ordered him back to the Philippine Islands, where he had been formerly stationed.

The CHAIRMAN. Pardon me right there; does the Chief of Staff issue all orders in the name of the Secretary of War?

Gen. WRIGHT. Yes, sir.

The CHAIRMAN. So that it was your order that was issued?

Gen. WRIGHT. Theoretically, yes; but, as a matter of fact, no; because ordinarily the Secretary of War does not know of the assignment of the various subordinate officers in the Army.

The CHAIRMAN. What I am speaking of more particularly is this: When the Chief of Staff issues an order, it is your order, as Secretary of War?

Gen. WRIGHT. Yes, sir; in that sense; but, in that connection, I should say that really the man who was making the assignment was the Paymaster General or the Chief of Staff, unless some unusual reason had interfered with the assignment made by the Paymaster General.

The CHAIRMAN. I presume, then, that some unusual reason interfered?

Gen. WRIGHT. Yes, sir; that is true, and he came to see me, gentlemen, with the statement that he had been——

The CHAIRMAN [interposing]. You are referring now to Maj. Ray, are you not?

Gen. WRIGHT. Yes, sir. Maj. Ray came to see me—and that was the first and only time I ever saw him to know him, and I would not know him now if I were to see him—stating that he had been ordered to the Philippine Islands, and whilst he was ready, and I think he said anxious to return, that his wife was very ill. As I recall it, he said—in fact, I am sure he stated—that she would have to go on the operating table.

The CHAIRMAN. Can you tell when this was, General?

Gen. WRIGHT. If you will let me get through with what I have to say about the particular instance, I will tell you this as I recall it. He said that Mrs. Ray was in desperate condition, and that her physician or physicians had decided that she would have to have an operation performed. My impression is that he said that she had some inflammation of the mastoids. I think that is what he said was the matter with her. I knew something of that, and knew it was a dangerous operation—at least I had been informed so. I talked with him for some little time about his wife's condition, and he said that while he was a soldier, and was ready to obey orders and go wherever he was ordered, he did not feel that, under the circumstances, he ought to be required to leave his wife in that condition. My impression is that he expressed the hope that if the operation would be successful, he would be able to take her back to the Philippines with him, and therefore he wanted a suspension of the order temporarily.

My impression is, although I would not be certain about that, that he wanted a delay of two months. I can not, of course, give you the details of the conversation. I think I stated to him, "I think, myself, that under the circumstances you ought not be required to

leave your wife." Then, if I am not misaken, I had seen some publication in a Chicago paper about his political activities in Chicago. Possibly I had heard some gossip there about the department to that effect. I am not sure where I got the information, but I asked him about that. I said, "I see there is some criticism of your being mixed up in politics"; and he said, "Yes, there has been some publication made"; but he assured me that it was not true; that he was at his work every day, and was not engaged in taking any hand in political matters. I said to him, "I am glad to hear you say that, and I hope you will be certain to attend to your business and let politics alone." My recollection is that I finally said to him—indeed, I am sure that I said to him, "now, Major, in view of this statement, I would like to have some certificate from your doctor." I said, "I suppose you have a reputable doctor"; he said, "yes," and he brought me a certificate, or sent me one, I am not sure which it was, from some Chicago doctor, said to be a physician of standing. I do not recollect the details of it, because it did not impress me at that time as more than a routine matter. But, so it was that I directed Gen. Bell to give him—am sure it was not two months, and I am not sure whether it was five weeks' or six weeks' delay, or to keep him on duty in this country for that length of time. I heard no more of Maj. Ray after that for quite a while.

The CHAIRMAN. Can you tell us when that was?

Gen. WRIGHT. I can not, Mr. Chairman, with certainty. I have an impression, but it is a bare impression. I might possibly if there were any papers bearing on the subject to refresh my memory, but my impression is that it was the latter part of August of 1908, but now I would not state that as a certainty.

The CHAIRMAN. Was any election to occur in the following November?

Gen. WRIGHT. Yes, sir; the presidential election.

Mr. MARTIN. Do you recall what you saw about the nature of his political activities, in this Chicago paper?

Gen. WRIGHT. I am sorry to say that I do not. It was some publication, and I think possibly it was copied in some other papers, but at any rate, I can give you only the barest impression of what it was. The statement was made to the effect, as I recall it, that he had formerly been a labor leader before he went into the Army, and that he was in Chicago because of his supposed influence with the labor people. That is about the substance of it. I do not, of course, remember all the publications.

Mr. MARTIN. I saw a statement this morning in a Washington paper to the effect that Maj. Ray had appeared in Chicago, I think, before Mr. Harry New, of Indiana, stating that he was accredited by Mr. Taft, who had then been nominated for President, to oppose the appointment of Senator Beveridge as, I think, the temporary chairman of the Republican national convention; I was wondering whether anything about that matter appeared in the press at that time that you saw.

Gen. WRIGHT. No, sir; I think not. I would not undertake at this time to say just what the publication was, but I have given you what my impression of the matter is. Of course, you know, gentlemen, that during a presidential campaign there are an immense

number of sensational publications, many of which have nothing to them. While this impressed me, it did not impress me conclusively as to the fact.

The CHAIRMAN. At the time of this request of Maj. Ray's that you have referred to was there any other pressure or representation or influences brought to bear, General, in order to have him remain in the United States?

Gen. WRIGHT. No, sir.

Mr. BULKLEY. Is it usual for officers who do not like the change of station that has been assigned to them to appeal personally to the Secretary of War?

Gen. WRIGHT. No, sir, I can not say that it is usual, yet it frequently occurs. It more frequently comes indirectly from some Congressman whose constituent the officer is, and the officer in question generally disclaims any knowledge of it.

Mr. BULKLEY. Did some one bring him into your office?

Gen. WRIGHT. Yes, sir; I am practically sure of it, but I am not sure who it was. I had the impression, and have now, that it was Gen. Edwards, but I may be wholly mistaken about that. In other words, it was not a matter that impressed me. It may have been Gen. Bell or some other officer about the department. In other words, these things were happening there so often, and they were matters of such little moment, so far as I was concerned, that I did not attempt to carry them in my mind.

Mr. BULKLEY. Do you remember what reason or excuse was given for appealing to you personally in the matter?

Gen. WRIGHT. No, sir; he did not give any excuse that I know of, except the condition of his wife.

Mr. BULKLEY. And that could have been taken up through regular channels; that is, through the Paymaster General?

Gen. WRIGHT. Yes, sir; I suppose so.

Mr. BULKLEY. Do you know whether it was done?

Gen. WRIGHT. I do not know. If Gen. Bell brought him in, it would be the usual thing to do, or, if Gen. Edwards brought him in, it would not be unusual. Of course, Gen. Bell's office, or the office of the Chief of Staff, was a room adjoining that of the Secretary of War, and there was an open door practically between them. You see at the time this did not impress me more than any other routine matter.

Mr. BULKLEY. Ordinarily, when an officer wishes to make a request for a change of station, he writes a letter to his superior, or he would transmit it through the Paymaster General, would he not?

Gen. WRIGHT. Yes, sir; I suppose that, perhaps, would be the usual course, although I have had the other course followed frequently.

Mr. BULKLEY. And this did not impress you as being irregular?

Gen. WRIGHT. No, sir; it made no impression on me then. In fact, I have difficulty in recalling it.

Mr. Warburton. Do Congressmen hesitate about making such requests on behalf of officers?

Gen. WRIGHT. No, sir; they do not hesitate about making any requests. As Secretary of War, I have frequently had officers themselves to come in to see me, but generally with the Chief of Staff, on cases where they have been talking to him, and where he probably wanted some order or advice about the matter.

The CHAIRMAN. When did you next hear about Maj. Ray?

Gen. WRIGHT. I can not give you the precise time. My recollection is that Gen. Bell, who was then Chief of Staff, saw me about Maj. Ray. It seems to me, if I recall and understand it correctly, he had been ordered from the Philippine Islands to the Hawaiian Islands to pay off troops there, and there was some friction between him and the chief paymaster in the Philippines. The chief paymaster, if I mistake not, had charged him with some irregularity in his accounts. I am not able to state just the details of it, except that I remember this, that in talking the matter over with Gen. Bell it impressed me as being a rather trivial charge. As I recall it, he had been ordered from Manila to Iloilo, in Panay, one of the southern islands, and about 400 miles south of Manila, to pay off the troops.

The Government has a garrison right across from Iloilo on the hill-top there, and it appears that he had charged up in his accounts for his passage, that is, the price of his passage from Manila to Iloilo. It seems that it was claimed that they had transported him without charge, and my recollection is that it was something like \$9 or \$10. It was a small amount, and it could not have been much over that. My recollection furthermore is that Ray's explanation of the matter was that it had been done through the inadvertence of his clerk, who was in the habit of keeping the accounts of these things, and that he had charged as a routine matter the price of his passage. I remember discussing the matter with Gen. Bell, and he was impressed with the view that there was probably nothing to it. My recollection is that I finally said to him "I do not think this is a matter of sufficient importance to stop him there if he is going to Honolulu, in the Hawaiian Islands, to pay off the troops," and I think I suggested to him—in fact, I am sure I did—that he cable the commanding general to send all the papers to him, Gen. Bell, for him to investigate the matter, and that if he thought there was anything irregular or criminal in the matter to order a court-martial and let him go back and face it. I remember no more of the matter. That is all I know about it. That is the last I knew or heard of Maj. Ray. Speaking of the time, my impression is that that was not very long before I ceased to be Secretary of War.

The CHAIRMAN. I understood you to say that you had a conversation with the Chief of Staff, Gen. Bell, with regard to the charges against Maj. Ray, and that you ordered Gen. Bell to communicate with the commanding general in the Philippine Islands, requesting him to return the papers?

Gen. WRIGHT. That is my recollection of it. As I say again, these things did not impress me, and I would not say that that was precisely and exactly everything that occurred, but that is all I remember. I do remember in a general way that that is the substance of it, but I never charged my memory with the details of it, and I never thought about it probably for 30 minutes after the conversation until the last day or two. I am sure that the substance of it was in effect that I left it with Gen. Bell, and told him to communicate with the authorities, and that I did not think there was any sense in stopping him there when he was assigned to duty. As I recall it, I told him that if he thought it was a case for discipline, to handle it. I have an impression, but I am not sure about that, that something was said about Ray being in a state of feud with the

chief paymaster out there in the Philippines. I think it was Col. Wallace. Has such a name been mentioned here?

Mr. BULKLEY. Yes, sir.

Gen. WRIGHT. I think that is the name.

The CHAIRMAN. As a matter of fact, had there not been an investigation of these charges against Maj. Ray? These papers had been sent to Washington, had they not?

Gen. WRIGHT. It is possible; if so, I do not recollect it. It may be so; it is possible and very probable, since you mention it, because Gen. Bell spoke as though he was familiar with the facts. I saw no papers if they ever came.

The CHAIRMAN. Did I understand you to say that Gen. Bell stated to you that he was familiar with the facts?

Gen. WRIGHT. Well, I do not know that Gen. Bell in terms said that, but the impression I got was that he knew. I got the impression from Gen. Bell that he did not think there was anything in the charges—at least, that very probably there was not, and my instructions to him in effect were to get the papers and reports from the authorities in the Philippines, and investigate the matter carefully, and if he thought it was a case for court-martial, to give it that direction.

The CHAIRMAN. Let me see if I understand you thoroughly. This conversation between you and Gen. Bell was in reference to ordering the papers sent back to the United States?

Gen. WRIGHT. No, sir; I can not say that it was. That was not the important feature of the conversation. The real question was whether or not Ray should be detained in the Philippine Islands, and whether the order which he had received to go to Honolulu, in the Hawaiian Islands, should be suspended pending court-martial proceedings.

The CHAIRMAN. Do you know how long he had been in the Philippine Islands before this message was sent at your direction by Gen. Bell to return the papers.

Gen. WRIGHT. No, sir; but I suppose only for a few months, because I had seen him only a few months before.

The CHAIRMAN. What was the usual tour of a paymaster then?

Gen. WRIGHT. Well, the tour of a paymaster with troops is two years.

The CHAIRMAN. Is it not two, three, and four years?

Gen. WRIGHT. The tour of duty of a paymaster under the new law, as I understand it, when detailed from the line, is four years, but they are shifted about many times during the four years.

The CHAIRMAN. I want to see if I am following your statement correctly. He had been recently ordered from the United States to the Philippine Islands?

Gen. WRIGHT. Yes, sir.

The CHAIRMAN. To report there for duty. Do you know whether he did go or not?

Gen. WRIGHT. No, sir; I did not know of my own knowledge until then, but, of course, as a practical thing, I might say in one sense that I knew he would not disobey an order given him.

The CHAIRMAN. And I understood you to say that he had been in the Philippine Islands only two or three months?

Gen. WRIGHT. No, sir; I think he was there probably four or five months; five months, I should say, probably.

The CHAIRMAN. What was there in the situation that led to his speedy recall from the Philippine Islands?

Gen. WRIGHT. Nothing that I know of, except I suppose they needed a paymaster over there in the Hawaiian Islands to pay off the troops.

Mr. BULKLEY. Do you think the Paymaster General recommended the transfer?

Gen. WRIGHT. No, sir; I do not think anything about it, because I do not know. I assumed it, and I never heard anything to the contrary.

Mr. BULKLEY. And you do not remember hearing that the Paymaster General had recommended that transfer?

Gen. WRIGHT. No, sir; I assumed that it was a regular order; I did not suppose that there was anything different about it. In other words, paymasters are frequently shifted from one place to another to pay off troops.

Mr. BULKLEY. These orders for the shifting of paymasters originate in the Paymaster General's office, do they not?

Gen. WRIGHT. Yes, sir; that would be the regular course.

Mr. BULKLEY. And, as Secretary of War, you would not undertake to shift them around?

Gen. WRIGHT. As Secretary of War I never made an order in my life shifting paymasters, and I do not suppose that any other Secretary of War ever did, as a matter of fact.

Mr. SPEER. And you would not really know anything about the changes being made unless the matter came to your special attention, as was the case when Maj. Ray came in to see you about it?

Gen. WRIGHT. No, sir; I could not tell you to save my life where a single paymaster was stationed, and I do not suppose any man who has ever been Secretary of War could do so.

Mr. BULKLEY. You say you had no personal knowledge of the order under which he was to go to the Hawaiian Islands?

Gen. WRIGHT. No, sir; and the fact that he was ordered there did not carry any special significance with me.

Mr. WARBURTON. Were you acquainted with him?

Gen. WRIGHT. I saw him this one time, but I have not seen him since, and I do not know that I would know him now.

The CHAIRMAN. Going back a little, did you know whether there had been an investigation of these charges against Maj. Ray; that the investigation had proceeded as far as it could in the Philippine Islands; that the papers were sent to the War Department for further investigation, and that the Paymaster General, Gen. C. H. Whipple—I think it was Gen. Whipple—

Gen. WRIGHT (interposing). Yes, sir; it was Gen. Whipple.

The CHAIRMAN (continuing). Had examined these charges and had recommended disciplinary action, which recommendation was approved by the Judge Advocate General, and the papers—Maj. Ray in the meanwhile having returned to the Philippine Islands—were ordered sent to the commanding general in the Philippine Islands, under the order of the Secretary of War, to prosecute the case further and to enforce such disciplinary action as was necessary?

Gen. WRIGHT. No, sir; I have no knowledge of that.

The CHAIRMAN. You have no knowledge of that at all?

Gen. WRIGHT. No, sir.

Mr. BULKLEY. Do you say that Gen. Bell did not call it to your attention when you discussed the matter with him?

Gen. WRIGHT. Yes, sir; in the form you put it, I am sure he did not do it. It is possible that Gen. Bell may have made some reference, and I am inclined to think now that he did, to the fact that Maj. Ray and this chief paymaster in the Philippines were at loggerheads, and that he, Gen. Bell, had made some investigation, but I did not understand that any papers had been sent back and forth.

Mr. BULKLEY. And he never told you that any papers had been sent to the Philippine Islands requiring disciplinary action?

Gen. WRIGHT. No, sir; I do not recall any.

The CHAIRMAN. Was there any friction between Maj. Ray and Gen. Whipple at that time?

Gen. WRIGHT. None that I know of.

The CHAIRMAN. Was there any friction between Maj. Ray and the Judge Advocate General at that time?

Gen. WRIGHT. None that I know of.

The CHAIRMAN. Was there any friction between Maj. Ray and the Chief of Staff at that time?

Gen. WRIGHT. None that I know of.

The CHAIRMAN. If I understand you correctly, you did not have any information that this record had been forwarded from the commanding general to the War Department in Washington, and that the Paymaster General—

Gen. WRIGHT (interposing). Had recommended disciplinary measures?

The CHAIRMAN. Yes, sir.

Gen. WRIGHT. No, sir; I do not think so; I do not recall any.

Mr. BULKLEY. What papers did you think were to be ordered back when you told Gen. Bell to order the papers back?

Gen. WRIGHT. Well, as I recall the matter now, I had in mind that there would be a further investigation of the charges against Maj. Ray and that the whole matter would be sent to the Chief of Staff.

Mr. BULKLEY. I understood you to say that you did not know these papers had gone out?

Gen. WRIGHT. I did not know; I knew that charges had been made, but what had been done I did not know. I knew that the Chief of Staff, or, possibly, the Paymaster General, was in possession of these charges, but I did not call for any papers nor did I know of any.

The CHAIRMAN. Does it not necessarily follow that the Chief of Staff must have been acquainted with this record before it left the department?

Gen. WRIGHT. It is entirely possible, but I have not the slightest recollection of any record that had been sent on. I do remember that Gen. Bell talked to me about it and seemed to know the facts, and he made a statement about the matter. It seemed that the question burdening him was whether this man should be held in the Philippine Islands or sent to the Hawaiian Islands.

The CHAIRMAN. Was it not an unusual course of procedure for these papers, having recently left the War Department in Washington under an order of the Paymaster General, sanctioned by the Judge Advocate

General, or under an order of the Chief of Staff, or the Secretary of War through the Chief of Staff, after they left, and when they had scarcely arrived in the Philippine Islands, to be ordered back for investigation, when you had but recently ordered them sent to the Philippines?

Gen. WRIGHT. Possibly so, yes; but, on the other hand, I can readily understand it, if Gen. Bell was impressed with the idea that there was nothing serious in the case.

The CHAIRMAN. Why did he order the papers sent there if he thought there was nothing serious in the charge?

Gen. WRIGHT. I can not imagine why he should have ordered them sent, if he did order them sent. I do not know about that.

Mr. BULKLEY. In order to refresh your memory, I will read to you these cablegrams. I will read you this cablegram dated Washington, January 13, 1909, from Gen. Bliss to Gen. Bell:

With reference to your telegram of 13th, send direct to me personally all papers relating to three cases mentioned in your telegram. Further investigation unnecessary at present. Beecher B. Ray to proceed to Honolulu pursuant to orders.

That cablegram, Gen. Bliss testified, was not received, and Gen. Bell followed it up later with one dated January 29, 1909, addressed to Col. Stephen C. Mills, Manila, which read as follows:

If Tasker H. Bliss absent, communicate immediately with him and say my cablegram to him January 13, relating to investigation and papers in the case of Beecher B. Ray was not personal, but was sent by direction, and if it has not been complied with it should be at once.

Gen. WRIGHT. Let me see that, if you please. I understand what you are driving at now. I understand that Gen. Bell in the cable ordered the papers sent back to him.

Mr. BULKLEY. He says he did it by direction. I presume that means by your direction?

Gen. WRIGHT. Yes, sir; I told him to get all the papers and have the matter fully investigated and sent on.

Mr. BULKLEY. But, in telling him that, you acted on his say-so, without knowing the situation with respect to this case?

Gen. WRIGHT. Yes, sir. I did not know anything about the orders that had been made by the Paymaster General with reference to Maj. Ray. I am sure that I did not. I had every confidence in Gen. Bell, and have now every confidence in him, so far as that is concerned.

The CHAIRMAN. Did you see the papers when they were returned?

Gen. WRIGHT. No, sir; I was not in office but a very little while after this time. What is the date of the cablegram? I went out on the 4th of March.

Mr. BULKLEY. Did you ever have any conversation or communication with President Roosevelt about Maj. Ray?

Gen. WRIGHT. I have an impression that the President at one time made some reference to it, and said that Maj. Ray should go back to his old station.

Mr. BULKLEY. Do you mean in Chicago?

Gen. WRIGHT. No, sir; in the Philippine Islands.

The CHAIRMAN. Do you know when that was?

Gen. WRIGHT. That was pretty early—I do not remember the date, but it was soon after I became Secretary of War. And he would have gone back, and I would not have heard of it, but for his coming to see me about his wife's condition.

Mr. BULKLEY. Did you consult the President at all about ordering these papers back?

Gen. WRIGHT. No, sir.

Mr. WARBURTON. And that is the only time you remember having a consultation with President Roosevelt, when he said that Maj. Ray should return to his post?

Gen. WRIGHT. I beg your pardon.

Mr. WARBURTON. The only conversation you remember having with President Roosevelt about Maj. Ray was the time you have mentioned, when he said that Maj. Ray should go back to his old post?

Gen. WRIGHT. Yes, sir; that is my recollection. Mr. Roosevelt spoke to me once about it.

The CHAIRMAN. I will ask you to state again what was the underlying reason for ordering these papers returned?

Gen. WRIGHT. I suppose it was to make an investigation of it, or, at least, to see whether it was a proper case for court-martial. In other words, you see, Maj. Ray had been ordered to another station, and that question was in mind. The only question that was passed up to me was whether he should be retained in Manila and some other paymaster sent in his place, and after talking the matter over with Gen. Bell—though I do not recall the details of the conversation with any degree of particularity—I appreciated the fact that it might be subject to future investigation, and ordered him, as I have already told you.

The CHAIRMAN. Were any of the cablegrams that passed between the commanding general in the Philippine Islands and Gen. Bell brought to your knowledge? Were the cablegrams in reference to these records brought to your knowledge?

Gen. WRIGHT. I hardly think so. I do not recollect it. It may have been. I do not know what you refer to. Possibly if I could see them—but I do not recollect anything of them. As I told you, this was in the closing days of my connection with the War Department.

Mr. BULKLEY. In connection with the idea that Gen. Bell might want to investigate the matter personally with a view to determining whether the case was one justifying a court-martial, do you remember any conversation with Gen. Bell which might have led to his sending the cablegram requesting Gen. Bliss to meet the requirements of discipline without reference to a court-martial?

Gen. WRIGHT. No, sir.

Mr. BULKLEY. So, such a cablegram must have been sent without your knowledge?

Gen. WRIGHT. I have not the slightest recollection of it. That is all I can say. I do not know just what cablegrams were sent back and forth about it. I have never seen them, but I hardly think that any such thing was called to my attention. My recollection of the matter is simply this: That I told Gen. Bell to investigate the matter, and that I thought, in view of what I was informed as to the facts of the charges against Maj. Ray, that he ought not to be detained there, but should go on.

Mr. BULKLEY. That was in January, was it not?

Gen. WRIGHT. As I have said before, I can not give you the exact date. I know it was not very long before I went out of office. I see from the telegram here it was some time in January.

Mr. BULKLEY. The reason I am trying to fix the time is this: In December Gen. Bell sent the cablegram I have referred to, instructing Gen. Bliss to meet the requirements of discipline without reference to a court or the War Department. Having received an answer from Gen. Bliss that he did not think such action would be consistent with discipline, he then sent a cable, as he said, by your direction, that the papers should be referred to the War Department. I was wondering whether it was called to your attention that Gen. Bliss thought that that was not consistent with discipline.

Gen. WRIGHT. I do not think I ever saw Gen. Bliss's cablegram.

The CHAIRMAN. Gen. Bell informed you that these papers had been sent, as a matter of course?

Gen. WRIGHT. Had been sent back to Manila?

The CHAIRMAN. Yes, sir.

Gen. WRIGHT. It is possible.

The CHAIRMAN. Necessarily so, if the conversation was with regard to ordering them back?

Gen. WRIGHT. I did not say that conversation was in regard to ordering them back, and I do not now recall, as a matter of fact, that that was the conversation, though it is entirely possible that I may have known at that time that the papers had been forwarded and ordered back. The thing that remains in my mind, and that I am clear about as the thing I discussed with Gen. Bell, was whether these charges were of sufficient gravity to warrant Maj. Ray's being kept in the Philippines to await court-martial, and not go on the duty that had been assigned to him.

The CHAIRMAN. Did you consult with Gen. Whipple, the Paymaster General, in regard to this matter. Did you call him into consultation?

Gen. WRIGHT. I have no recollection of having done so.

The CHAIRMAN. Did you call on the Judge Advocate General?

Gen. WRIGHT. No, sir; I am sure I did not. If I did, I do not recollect it.

The CHAIRMAN. Would it not have been the usual course, in view of the fact that this man was in the Paymaster General's Department, to have made some inquiry, after the court-martial or disciplinary action had been ordered, or to have consulted with the Judge Advocate General?

Gen. WRIGHT. I have no present recollection, as I have said before, that any court-martial had been ordered.

The CHAIRMAN. I meant that disciplinary action had been recommended.

Gen. WRIGHT. That is the point. I felt this way about it: If Maj. Ray was shown by the evidence to have been guilty of falsification of his accounts, he should be court-martialed and cashiered, but, on the other hand, if it was merely some inadvertence, and he was not guilty of anything, there was no reason for holding him there and making another assignment to Hawaii.

The CHAIRMAN. Did you know at the time that there must have been some one who had made an investigation?

Gen. WRIGHT. Very probably I did. I have an impression—it is not a clear one, however—that in the conversation I had with Gen. Bell there was some statement or other made about Maj. Ray and Col. Wallace, if that is the name, being in a state of feud, and the question was whether the matter was really a genuine one or was merely a

squabble between paymasters or officers. Of course, I was told what the facts were, but my impression was that there was very little in the charges, and so I told Gen. Bell to write or cable to have the papers sent in and to investigate the matter, and if he found that it was a case calling for a court-martial, to send him back and have him court-martialed.

Mr. BULKLEY. I would like to refresh your memory by calling your attention to certain facts.

On December 19, 1908, this telegram was sent, addressed to Bliss, Manila, and signed Bell:

Will send Monday confidential message. Please decipher personally.

That was followed on December 21 by this message, addressed to Bliss, and signed Bell:

Personal and confidential. If possible please meet requirements of discipline in Beecher B. Ray case without reference to court or War Department. Will support your action.

Gen. Bliss on January 2 answered:

Referring to your personal and confidential telegram of December 21, I have no doubt matter will be adjusted satisfactorily as suggested by you. To prevent further embarrassment I shall in due time recommend transfer from division of officer concerned.

Gen. Bliss, before this committee, testified that when he sent that cable on December 21 he had not received the papers to which Gen. Bell evidently referred and thought that Bell was referring to a different case, so when he got these papers he sent this cablegram, dated Manila January 13, 1909, addressed:

Staff, War, Washington. Upon receipt of your personal cable December 21, I supposed it referred solely charges against Beecher B. Ray (major, Pay Department), then under investigation by Albert L. Mills (brigadier general) for alleged shortage payment discharged scouts. My personal cable, January 2, January 7, referred to that case alone. Previous charges and report Francis H. French (lieutenant colonel) were forwarded John F. Weston (major general) July 25. Papers in the case received back to-day. Paymaster General charges Beecher B. Ray knowingly signing false vouchers. Recommends appropriate action. Judge Advocate General recommends disciplinary measures. The Secretary of War directs such disciplinary measures as may be best. Beecher B. Ray under orders to proceed to Honolulu. About to sail commercial liner January 16, at his own expense. Orders War Department referred to necessitate further investigation, probable trial general court-martial. Will retain Beecher B. Ray accordingly. Instructions of the War Department December 4 direct investigation and report similar cases, Earl C. Carnahan (captain), Thomas M. Moddy (captain). Will not be possible separate from the case of Beecher B. Ray.

BLISS.

Now that is answered on the same day by a telegram from Gen. Bell, directing Gen. Bliss to send all papers back addressed to him personally. Now, Gen. Bell says he was acting under your instructions. My question was this, if he got instructions from you on that day to answer Gen. Bliss's cablegram in the way he did answer it, it would seem to me he certainly should have showed you the cablegrams. Now you think he did not?

Gen. WRIGHT. I have no recollection of those cablegrams as far as I now know and believe. They are news to me.

Mr. BULKLEY. If you had seen that cablegram you could hardly have thought the charges did not amount to anything, could you?

Gen. WRIGHT. No, I think probably I should have made a different order. My recollection of the matter, however, is that I had been

given—I never saw the papers, I am sure I never saw them—but I had been given what I understood to be the substance of the charges which seemed to me to be rather susceptible, at least, of a very innocent explanation and my idea was that I had gotten it from Gen. Bell, is my recollection, or from some source there which I regarded as reliable that this man, Ray's chief and he in the Philippines were in a state of feud, and the idea I had in my mind was that it was probably just a squabble between two military officers.

Mr. BULKLEY. I can see how the story could have been related to you in such a way as to make you think the charges unimportant, but what I mean is this, if you had seen a cablegram from Gen. Bliss, in which he says: The Paymaster General charges Ray knowingly signing false vouchers, Judge Advocate General recommends disciplinary measures, the Secretary of War recommends disciplinary measures, and further stating that the orders necessitate further investigation, probably trial by general court-martial, then you would have been put on your guard, would you not?

Gen. WRIGHT. Possibly so; yes. I do not recall any of those telegrams; on the other hand it is possible, even if I had seen them, I might have thought they referred to the same transaction and ordered the papers all to come back and have them carefully investigated and a more careful investigation made of the whole matter pending his going to his post of duty. It is entirely possible I might have made that order, but still that is all hypothetical. I do not recall any of these things.

Mr. BULKLEY. You do not remember every seeing such a cable at all?

Gen. WRIGHT. No; I do not recall that cable.

The CHAIRMAN. It appears from that cablegram that disciplinary action was ordered by the Secretary of War.

Gen. WRIGHT. I see it was, but that does not necessarily mean anything.

Mr. BULKLEY. Does not mean you ever saw it?

Gen. WRIGHT. No; it might have been ordered by the Secretary of War, yet the Secretary of War knew nothing about it.

Mr. MARTIN. He might have been in Panama?

Gen. WRIGHT. Yes. In other words, the Chief of Staff is the man that has charge of all the interior administration of the War Department so far as it relates to troops, their assignment, and all the rest of it, and these questions of discipline and all, unless some question upon which he is in doubt, where he is the judge, and he would come in and see the Secretary about it.

The CHAIRMAN. Then the Chief of Staff generally; your not knowing anything about it, it follows, as a natural consequence, that the Chief of Staff did know?

Gen. WRIGHT. You mean—I do not exactly see the point of the question.

The CHAIRMAN. The disciplinary action.

Gen. WRIGHT. Oh, well, it is entirely possible that Gen. Bell may have signed and probably did sign in a routine way, the order, or it may have probably been some staff officer under him may have sent it out.

The CHAIRMAN. How do you square that with the fact he ordered the disciplinary action, then he came to you afterwards and made the representation that there was nothing in the case?

Gen. WRIGHT. He did not make the representation to me there was nothing in the case, Mr. Chairman. What he did, as I recollect—of course, I am giving merely a memory of conversation about a matter that I had no thought of any question being raised about, and therefore I had not charged my memory with it. I am simply trying to recall the incident as best I can, and my recollection of the matter is that Gen. Bell told me just what I have already narrated to you. It is not necessary to go over it again, and it is entirely possible the papers may have been sent back there, and I think probable now, in fact, I am reasonably certain from reading these telegrams they were; that they had come on and gone back and some order had been made looking to disciplinary steps, and it is possible Gen. Bell himself may have told me so. I do not recall that, however, now, but the thing that lingers in my mind and I am reasonably certain about is that after talking with him about the matter I came to the conclusion it was very probable there was nothing of a serious character in the charges against Ray, and that before suspending an order which had been made to transfer him to the Hawaiian Islands that further investigation ought to take place, and I directed Bell to make that investigation, and it may have involved sending the papers back—probably did.

Mr. WARBURTON. You have probably as much confidence in Gen. Bell's examination of the papers as you would in any officer in the Philippine Islands?

Gen. WRIGHT. What is that?

Mr. WARBURTON. You probably have as much confidence in Gen. Bell examining the papers and reaching a conclusion about that as you would in any of the officers?

Gen. WRIGHT. Yes; I had confidence in Gen. Bell's high character and have now, so far as that is concerned. I knew Bell in the Philippines very intimately and esteemed him most highly as an officer and as a gentleman, and I have no reason to doubt he was acting in this matter as he thought best, so far as that is concerned. I do not recall these telegrams he sent. There is nothing extraordinary in that, however, because he would send them without consulting me after getting my ideas on the subject.

Mr. BULKLEY. I believe you said Maj. Ray was ordered to Honolulu?

Gen. WRIGHT. I suppose that was it. I know he was ordered there.

Mr. BULKLEY. Would he be traveling at his own expense?

Gen. WRIGHT. No; he would not.

Mr. BULKLEY. You do not remember—

Gen. WRIGHT (interposing). That would not have been called to my attention. I have not the most remote idea why he was ordered to Hawaiian Islands. I am assuming. I do not know any facts connected with this.

Mr. BULKLEY. Gen. Bliss's cable says he was going to Honolulu at his own expense.

Gen. WRIGHT. I have not the most remote idea about it. In other words, no report of that sort was made to me. My impression—you heard me testify—was that he was ordered there to pay off troops. I can not imagine any other motive.

Mr. BULKLEY. The fact he was going on his own expense would seem to indicate that it was a favor to him in some way, would it not?

Gen. WRIGHT. It would seem so, but I can not imagine why—

Mr. MARTIN. Were these matters touching Maj. Ray, his desire to go to Chicago and with reference to the charges against him, ever presented to you in such a way as to make you feel that he was the favorite of some very strong influence, so that he could be dealt with outside of the usual channels?

Gen. WRIGHT. No; I can not say there is anything in that. Of course I had read these stories, just as probably every man in the country did, but if you refer to President Taft—I suppose that is the person you supposed he had influence with—now President Taft never said a word to me in his life about Ray and I never got any message about Ray from any other source, and when Ray called on me there in my office I treated him as I would any other officer of the Army; he was in rather a distressed state of mind and worried about the health of his wife and being compelled to leave her when she was about to go on the operating table; that was about all there was to it. I remember having a talk with Ray about his supposed activity in politics, which he denied. Of course at that time, as you gentlemen know, there were a great many things floating around, charges of all sorts and statements of all sorts, campaign statements, some of which I happened to personally know were false, in connection with Philippine matters.

Mr. WARBURTON. These matters are more discussed in the newspapers about every four years?

Gen. WRIGHT. Yes. They were jumping on President Taft at that time about certain supposed favoritism in connection with the granting of railroad franchises in the Philippines, and a whole raft of other things of that sort, which I happened to know he had nothing in God's world to do with, and for which, if anybody was guilty of wrong-doing, I was the man, so I did not lay any great stress on his statement. It made an impression, as those things always do. A man, when he reads anything, he has of course to think.

The CHAIRMAN. Gentlemen of the committee, are there any further questions you desire to ask?

Gen. WRIGHT. Maj. Ray seems to have acquired vastly greater importance now than he occupied in my mind at that time, to tell you the truth.

The CHAIRMAN. If no other questions are to be asked, the committee will adjourn. General, we thank you very much.

Gen. WRIGHT. Not the least, gentlemen.

Further hearing adjourned until 4 o'clock p. m. of same date.

AFTER RECESS.

Committee met at 4 o'clock p. m., following recess.

The CHAIRMAN. Mr. Bulkley, if you have any questions to ask the gentleman, you may proceed.

Mr. BULKLEY. General, you testified this morning to a conversation with Maj. Ray in respect to extending his leave of absence.

Gen. WRIGHT. Yes.

Mr. BULKLEY. And you thought that it might have been in August, 1908.

Gen. WRIGHT. I thought it was the latter part of August or first part of September; somewhere along there. I do not remember the date at all.

Mr. BULKLEY. Now, I find among our papers here a letter from Maj. Ray, dated Chicago, June 30, and addressed to you, requesting an extension of five months' leave of absence. Do you remember such a letter as that?

Gen. WRIGHT. I do not. I do not think I ever saw such a letter.

Mr. BULKLEY. It is addressed to you personally. "My Dear Mr. Secretary." Were you acquainted with him?

Gen. WRIGHT. No.

Mr. BULKLEY. Do you know why he should write you in that personal way instead of applying through military channels?

Gen. WRIGHT. I have not the remotest idea. I never saw Maj. Ray at that time.

Mr. BULKLEY. So, on July 1 you never had seen him?

Gen. WRIGHT. No; I am sure I had never seen him on July 1.

Mr. BULKLEY. On July 1 there is a cablegram, addressed Weston, Manila, "Issue order granting four months' extension leave of absence to Maj. Beecher B. Ray, Pay Department; he will be notified from here." That is signed "Luke E. Wright, Secretary of War." Did you know of such a cable? Do you recollect such a cable?

Gen. WRIGHT. I do not remember anything about that at all.

Mr. BULKLEY. Who could have sent such a cable as that and signed your name to it?

Gen. WRIGHT. It is possible I may have done it, but I have not the most remote recollection of it.

Mr. BULKLEY. These cables, when they go out through your office, are usually signed by the Chief of the Staff by the order of the Secretary of War, are they not?

Gen. WRIGHT. That would indicate I knew something about it.

Mr. BULKLEY. I notice this is signed direct by you.

Gen. WRIGHT. I notice that myself. It is unusual, and if I granted him any leave of absence I am not aware of it. Have not the slightest recollection of it.

Mr. BULKLEY. Now, he got four months leave of absence on the 1st of July.

Gen. WRIGHT. It is possible I may have done it; of course that looks very much like it, but I have no recollection of it and I would have to be refreshed very much in my memory before I would say I sent any such order as that. It is possible it may have been done, but I would not send a direct telegram, so far as that is concerned, to Gen. Weston, so far as that is concerned, under any circumstances.

Mr. BULKLEY. How do you account for this on the files?

Gen. WRIGHT. I do not account for it, because I do not know anything about it, but I certainly myself would not telegraph a personal telegram to Gen. Weston to go through the Chief of Staff's office.

Mr. BULKLEY. This did not even go through the Chief of Staff's office, it appears.

Gen. WRIGHT. I do not know about that; it says, addressed to Weston, Manila, and signed by me as Secretary of War, but I have not the slightest recollection of ever sending such a telegram as that.

Mr. SPEER. Are the originals here?

Mr. BULKLEY. I do not know.

Gen. WRIGHT. Do you know where the originals are? I would like to see the original, as a matter of curiosity.

Mr. WILLIS (clerk of the committee). The originals have never been here.

Gen. WRIGHT. Now, let me see. Where is the order here? Have you got it in your files about when he was ordered back?

Mr. SPEER. It is pretty hard to ask the general things that happened four or five years ago when we can not put before him the papers so he can know whether he signed them or not.

Gen. WRIGHT. If I ever granted any leave of absence to Maj. Ray I shall be very much astonished. I do not remember any such transaction; have not the slightest memory of it.

Mr. BULKLEY. I want to call your attention to another feature of that matter.

Gen. WRIGHT. Of course it is possible I may have done it and forgotten it, but I have not the slightest recollection.

Mr. BULKLEY. Let me call your attention to this, that after this leave of absence was extended The Adjutant General's office was not notified of that action, and here, under date July 11, The Adjutant General has to write a letter to inquire what Maj. Ray's status is. Does that seem irregular?

Gen. WRIGHT. Yes; that should have been sent, of course. It should have been put on file in The Adjutant General's office.

Mr. BULKLEY. But here is an answer from your office, signed by W. R. Pedigo. Was he your secretary at that time?

Gen. WRIGHT. Yes, sir.

Mr. BULKLEY. He says in this letter "The Secretary directed me to return these letters to you for file." So it would seem that the papers were lying around in your office.

Gen. WRIGHT. Well, of course, I do not know a thing in the world about it.

Mr. BULKLEY. You do not remember that at all, do you?

Gen. WRIGHT. No.

Mr. BULKLEY. Now, if Maj. Ray had an extension of four months granted him on the 1st of July, he would hardly need any more leave in August, would he?

Gen. WRIGHT. He would not. That is just what I do not understand.

Mr. BULKLEY. What did happen to him in August was that he was allowed to do some temporary duty in Chicago. Did you talk to him about that?

Gen. WRIGHT. He was on duty in Chicago when I saw him, is my understanding.

Mr. BULKLEY. I was going to ask you about that. Was he on duty when you saw him?

Gen. WRIGHT. So he stated and so I understood; yes.

Mr. BULKLEY. In that connection he told you that he was not doing political work, but was attending to his duties, which conveyed to your mind the impression that it was his duty in the paymaster's office he was attending to?

Gen. WRIGHT. Unquestionably; yes, sir; that is right.

Mr. BULKLEY. Well now, as a matter of fact, did you know, or did he tell you, that he had been on leave of absence from February 28 of that year up to August 16?

Gen. WRIGHT. No, he seems to have been—I notice here a communication that the paymaster addressed to Ray on August 21:

Informing you order prepared relieving you, as requested, directing you to return to status of absence with leave, Secretary of War authorizes you to report to California and sail on line steamer from San Francisco to Manila.

Mr. BULKLEY. If you saw him in August and he had only gone on duty August 16, he could not have given very long and persistent attention to his duties?

Gen. WRIGHT. There is no question he had gone on duty before that, because he was on duty when I saw him, at least that was my understanding about it, and I so treated the matter, and, as I stated, my recollection is he was directed to return to the Philippine Islands at that time. Now, my recollection is that must have been as late as the latter part of August or the 1st of September. That is my recollection about it.

Mr. BULKLEY. Of course, his leave having been extended from June 28 would have gone beyond that period, unless he had given up his leave and gone back on duty?

Gen. WRIGHT. Yes; that is true.

Mr. BULKLEY. The record shows that he in fact availed himself of his leave up to and including August 16, so if he went on duty August 16 he could not have been on duty more than a few days before this conversation—your conversation with him?

Gen. WRIGHT. It is entirely possible you are right about that. Of course, I have not examined these records either. I am not attempting to answer about things that I can not.

Mr. SPEER. I understand what he saw you about was so he would not be compelled to go back to the Philippines?

Gen. WRIGHT. That was it, and I understood he had been ordered back, if I am not greatly mistaken.

Mr. SPEER. If not anticipating it, he surely was ordered back?

Gen. WRIGHT. That is my recollection of the matter, as I told you this morning I never saw Maj. Ray but once in my life, and that was the occasion of his visit to me, and I am clear about that.

Mr. BULKLEY. This schedule Paymaster General Whipple filed with the committee, showing the leaves of absence of which he availed himself, confirms the dates there, February 28 to August 16.

Gen. WRIGHT. February 28, 1908, to August 16, 1908, that seems to be it. Now, my belief is that it was after that date that I saw him, and saw him for the first time.

Mr. BULKLEY. That was within a few days after he went back to duty again?

Gen. WRIGHT. I suppose from that—I supposed he had been on duty all the time in Chicago.

Mr. BULKLEY. You do not remember whether he said he had, do you?

Gen. WRIGHT. No; I do not. The only feature of the conversation that at all impressed me, as I stated to you this morning, was his wife was ill and he had been ordered back to the Philippines and that he did not want to go immediately.

Mr. BULKLEY. I will read you from Gen. Edwards's testimony. This is referring to about that same period. Gen. Edwards, referring to Maj. Ray, says:

He alleged to be on private leave, and he was doing some political work and wanted to get his leave extended, then Mr. Taft had resigned as Secretary of War and, I think, was at Augusta, or some place of that kind, and Gen. Bell took the matter up with Secretary Wright and he with President Roosevelt, at least that was what I was told at the time, and got this man's leave extended.

Do you remember about that?

Gen. WRIGHT. No.

Mr. BULKLEY. You did not take it up with President Roosevelt, did you?

Gen. WRIGHT. Certainly not to get his leave extended; no.

The CHAIRMAN. The record does show he had nine months' leave of absence, does it not, General?

Gen. WRIGHT. I do not know as to that. I have not examined as to that. I would really like to look over this record and see just what it shows. This statement about the four months' leave, I confess, is something of a surprise to me, and I had not the slightest recollection of it.

Mr. SPEER. When did he go back to the Philippines; how does it show?

Mr. DIFENDERFER. The testimony, I think, shows he went back in November.

Mr. BULKLEY. Went back in November.

Mr. SPEER. That is nothing inconsistent, then, with what the General said.

The CHAIRMAN. The record shows his leave of absence expired on October——

Gen. WRIGHT (interposing). I can not understand exactly why Maj. Ray should be talking to me about not wishing to go back if he was already on leave; that is the thing that puzzles me, to tell the truth, and this telegram I seem to have signed, granting him four months' leave, which I have not the slightest recollection of. You see that four months' leave has carried him up to the 1st of November.

The CHAIRMAN. October 31, I think you will find it, General.

Gen. WRIGHT. Yes; and I am very certain he was in my office, as I have testified this morning, and that the subject matter of our conversation was an extension of his leave. Now what I can not understand is why he should have been talking to me about his extension of leave if he already had a four months' leave, and I am very sure that was the subject of his conversation.

Mr. DIFENDERFER. Was that 1908?

Gen. WRIGHT. Yes. I do not recall the exact time to tell you the truth.

Mr. BULKLEY. You are not quite sure you have fixed the time of that right, are you, General, because I notice here——

Gen. WRIGHT (interposing). No; of course, I can not at this time give you more than my impression about time, but I am very certain I have not the slightest recollection of giving him any four months' leave.

Mr. BULKLEY. You said he told you his wife had some inflammation of the mastoid?

Gen. WRIGHT. Yes; something of that sort.

Mr. BULKLEY. Now in this letter of June 30, addressed to you he said her case was diagnosed as mastoids and she was operated on in the hospital in New York City, but the diagnosis was wrong, she did not have mastoids—he writes that under date of June 30.

Gen. WRIGHT. Well, it is entirely possible I may have fixed the date too late but, as I said to you this morning, I am giving you my best impressions after the lapse of several years.

The CHAIRMAN. It certainly was not prior to February, was it, General?

Gen. WRIGHT. What year?

The CHAIRMAN. 1908.

Gen. WRIGHT. Oh, no; I was not in office February, 1908.

The CHAIRMAN. His five months of leave of absence began in February.

Gen. WRIGHT. Oh, yes; this is extension of leave, I see.

Mr. BULKLEY. If you did talk to him in June, then he must have been entirely wrong about how much he was paying attention to duty, because he would not have been on duty since February, or in Chicago at all.

Mr. SPEER. You can see he did not want to go back to Manila.

Gen. WRIGHT. He told me he was on duty in Chicago, is my distinct recollection, unless I am greatly deceived; and I have labored under that impression ever since I have been thinking about it here, and I still am. I have not had any occasion to change my mind about that.

Mr. BULKLEY. That would be consistent with your original statement that you saw him late in August.

Gen. WRIGHT. Of course, the time when I saw him I can not with any degree of accuracy state; though my recollection, as I told you, I thought it was some time in August. I was going on the idea I had that I suggested to him a shorter leave than he wanted—a shorter extension than he wanted.

Mr. BULKLEY. If you did that on the 1st of July, you gave him four months when he asked for five.

Gen. WRIGHT. It is possible I have got it wrong as to dates; that is entirely possible.

Gen. WRIGHT. According to the record this would appear to have been accomplished by correspondence without Maj. Ray seeing you. This letter is dated Chicago, June 30, and your order is dated Washington, July 1—no; it is not dated "Washington."

Gen. WRIGHT. There is not any question, my dear sir; I saw him.

Mr. BULKLEY. The only question is when.

Gen. WRIGHT. As I told you this morning, I thought it was in the latter part of August, but I may be in error about it.

Mr. BULKLEY. He seems to have gotten this four months' leave before he started.

Mr. SPEER. It is possible he may have forwarded his letter and then come in person and seen you.

Gen. WRIGHT. He may have come right in with his letter. I can not, of course, give you details about a matter I have not thought of for years, but my distinct recollection is—in fact I have not the slightest recollection of his ever writing me a letter, but if you find it on the record of course he did it and, as you say, he may have followed the letter. I do not know anything about that, but that

he did come and come for that purpose, gentlemen, there is not any doubt in the world, and that is all I can say with certainty. Of course when it comes to the question of fixing a date, I can only give you an impression. It is entirely possible he may have seen me in June instead of in August.

Mr. BULKLEY. The only reason I wanted to make sure, if possible, about that, was this, that if he saw you in August and stated he was on duty, he might have been speaking the truth, if it was the last half of August, but if he saw you in June and stated he was on duty, he certainly was not speaking the truth.

Gen. WRIGHT. Well, you have got my best impression and that is all I can give you. I can not undertake to guess at a thing that I do not know anything about. But I can see, of course, the seeming discrepancy between this four months' leave and my recollection of it, but I do not at this moment recall anything that would enable me to change my original impressions as to what occurred.

Mr. SPEER. But it is possible he may have seen you before this cable was sent, that you sent that in pursuance of his request not to be sent back?

Gen. WRIGHT. Yes; that is possible. It was July 2, 1908. It is entirely possible, gentlemen, that I may be mistaken as to the date when he saw me. Of course I am giving you my best impressions a out it, and that is all I can do. I may be wholly in error about it, but that he did see me and that he represented to me that he was on duty in Chicago I do not think is debatable, certainly not in my own mind.

Mr. BULKLEY. Going back to the time you talked to Gen. Bell about having those papers sent back from the Philippines, do you remember whether at that time you had any reason to think the officers out in the Philippines would not treat Ray fairly in this investigation?

Gen. WRIGHT. Well I had; my recollection is that I had some talk with Bell about Ray's relations with his chief out there, and just what they were I do not now recall. It was not a matter of such character, you know, that I would carry it for years in my mind, but that was in my mind.

Mr. BULKLEY. It was in your mind?

Gen. WRIGHT. Probably much ado about nothing and a mere personal squabble and that the papers—my recollection is that he was to go to the Hawaiian Islands, as I now recall it, and I think I am pretty clear about that, and the question presented was whether that order should be countermanded and he held there for further investigation or not. I have been thinking about the papers. I suppose the papers leading to these telegrams must have come to Washington and been sent back probably in Gen. Bell's absence.

Mr. BULKLEY. That is entirely possible, as far as we can tell from the records.

Gen. WRIGHT. That is not a statement of fact from me, and probably Bell himself in looking over what had been done, we would discuss the matter; that is a guess, however; I do not like to state a thing I do not know to a certainty anything about.

The CHAIRMAN. In the absence of the papers, the papers having been sent back to Manila, what would have directed Gen. Bell's attention to any unusual condition?

Gen. WRIGHT. That I do not know; as I say, the whole thing, that feature of it—I am just trying to account merely for the papers coming and going without going through Bell's hands.

The CHAIRMAN. What I am trying to get at is this: What would be the basis of any conclusion or opinion of Gen. Bell, which he seems to have conveyed to you, that there was a prejudice or disposition on the part of someone in the Philippine Islands not to give this man a square deal?

Gen. WRIGHT. I do not know that Bell did do that. As I tell you, I am not sure that Bell was the author. I know I had the impression derived from some source about the department, that there was a squabble on between the chief paymaster and Ray, and just what it was, as I said to you several times before, I do not now, after this lapse of time, recall.

Mr. BULKLEY. I do not understand you have gone so far as to say he would not have got a square deal?

Gen. WRIGHT. No, I do not say that, because I do not know anything about it, but I do know, at least I had heard from some quarter, just who or what it was, that Col. Wallace, if that is his name, and Ray were in a state of feud and that there was some prejudice against Ray.

The CHAIRMAN. Was that before Ray was ordered back to Manila this feud you speak of between Ray and Wallace?

Gen. WRIGHT. Yes; if I had any talk with Bell; if he was the man I talked with.

The CHAIRMAN. It was done before Ray was ordered back?

Gen. WRIGHT. Yes.

The CHAIRMAN. Then he was ordered back to the Philippines with the knowledge on the part of Gen. Bell that he was not to receive a square deal from his superiors?

Gen. WRIGHT. No, I do not think that; he was ordered back to the Philippine Islands because I suppose his term of duty had expired, but Bell, by my order, in conference with him, directed the papers to be returned for investigation as to whether there was anything that really warranted a court-martial, and that is the situation as to that. I would like really to take these telegrams up and go over them with some degree of care.

Mr. SPEER. I should think you would like to see the originals, too?

Gen. WRIGHT. Yes, I would like to see the originals to ascertain just exactly what the facts were. I would like to send for Mr. Pedigo and have a talk with him. Possibly there might be something in the conversation with him that would refresh my memory to some extent about this matter.

Mr. BULKLEY. You can not recall any possible reason why Gen. Bell should have sent his cables, surrounded with such secrecy and confidential mystery, can you?

Gen. WRIGHT. Well, no, beyond the fact that probably he did not care to have an official order not to go on with the investigation there. I can not think of any other reason.

The CHAIRMAN. Explain that a little further, General, please.

Gen. WRIGHT. I have explained it all I know how. In other words, he might not care to make a public order that would reflect on Col. Wallace, if that is his name, and other people there, and intended simply a confidential communication between himself and the com-

manding general. I do not know of any other reason. Of course, you could not keep a thing of that sort of telegram off the files; it would go into Gen. Bliss's file or Gen. Weston's—cables from Gen. Bliss, are they not?

Mr. BULKLEY. Yes.

Gen. WRIGHT. Gen. Weston was not in command then?

Mr. BULKLEY. Probably was in command the early part of your—

Gen. WRIGHT (interposing). Yes. It is really important for me to get home to-night, gentlemen, but I will telegraph and see if I can not postpone my engagement for another day. I would like to go over these telegrams somewhat more carefully and see if there are any other papers bearing on the question in the War Department that will enable me to be more specific than I have been about these cables.

Mr. SPEER. Naturally a man can not remember that long about what occurred about matters that are happening every day.

Gen. WRIGHT. It may be, after I talk with my former secretary there, Mr. Pedigo, that I can—

The CHAIRMAN (interposing). You have had no conversation, as I understand, with anyone connected with the War Department since you have arrived?

Gen. WRIGHT. Well, no. I ought not say that either, because last night I had a call from Gen. Edwards and had a talk with him in a general way about the matter.

The CHAIRMAN. About this case?

Gen. WRIGHT. I asked him if he knew what you wanted with me and he said probably about this matter, and we had some general talk, and he said he had been up here before you for several hours, but did not give me much valuable information.

The CHAIRMAN. Was it a personal interview or wire conversation?

Gen. WRIGHT. A personal call at my room, and he had a talk with me. I did not attempt to get from him what he had said or what you had said here. I did not know whether he knew it or not. It did not interest me whether he did or not.

The CHAIRMAN. Do I understand you prefer to appear before the committee again to-morrow morning, General?

Gen. WRIGHT. I will see if I can get hold of Mr. Pedigo, and if I can it is possible he may enable me to give you a more definite answer to one or two questions you have asked me here. If I can not, I will go home, because I do not know of anybody else that could refresh me about the matter at this time unless it would be Mr. Pedigo.

The CHAIRMAN. While you were connected with the service, did Gen. Edwards interest himself in Mr. Ray's behalf, that you know of?

Gen. WRIGHT. No; I can not say that he did, Mr. Chairman. As I told you this morning, I had an impression that Maj. Ray came in with Gen. Edwards, but I may be wholly in error about that; it is just a vague impression, because it was a very common thing for some officer there in the department to bring in some other officer who wanted to talk with me. Of course it was more common for the Chief of Staff to do it; that was usual, of course.

The CHAIRMAN. Has some gentleman of the committee any further questions? If not, there is a motion before the committee to adjourn this hearing until 10 o'clock to-morrow morning.

COMMITTEE ON EXPENDITURES
IN THE WAR DEPARTMENT,
HOUSE OF REPRESENTATIVES,
Tuesday, March 19, 1912.

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

The following members of the committee were present: Messrs. Bulkley, Difenderfer, Speer, and Warburton.

TESTIMONY OF GEN. LUKE E. WRIGHT—Continued.

The CHAIRMAN. General, with whom have you conferred since your testimony of yesterday?

Gen. WRIGHT. I have conferred with Mr. Pedigo, my former private secretary. I have been getting him to run into the records there of the department, with a view of seeing if I could really get some more definite idea about one or two matters about which you asked me.

The CHAIRMAN. He is the only one whom you have conferred with?

Gen. WRIGHT. Yes, sir; he is the only one I have conferred with. It is proper to say that Gen. Edwards called to see me yesterday evening for a few minutes and invited me to dinner with him, but I had no conference or talk with him about this investigation.

The CHAIRMAN. Is there any particular statement you desire to make?

Gen. WRIGHT. One or two; yes, sir. Yet I am somewhat befogged about one or two matters that I am having Mr. Pedigo to run down for me if he can.

The CHAIRMAN. We are quite anxious to conclude—

Gen. WRIGHT (interposing). Yes, sir; and I am quite anxious to do so; you are not more anxious than I am. I am trying to meet quite a lot of professional engagements that I have, and they are telegraphing me to attend to matters. I tried to get away last night, but I felt that you gentlemen were entitled to any facts that I knew that would enlighten you any. Now, I want to make a correction in my evidence of yesterday, in which I stated that I took charge in the War Department some time in June, 1908. I find, as a matter of fact, that I was sworn in on the 1st of July, at noon, by examining the records up there. They keep a journal up there of all matters of importance, as whenever a secretary comes in or takes leave.

Mr. BULKLEY. Was Mr. Taft on duty up to that time, or was there an interim?

Gen. WRIGHT. Yes, sir.

Mr. BULKLEY. Up until noon of that day?

Gen. WRIGHT. I suppose so. Mr. Taft was with me when I was inaugurated there. I say "inaugurated," but it is a rather formidable term for a simple operation. I can understand really how I made the mistake in stating what I did, but it illustrates how liable one is to be mistaken about facts that he does not charge his memory with.

I understand it now, because I was invited to take a seat in the Cabinet in the latter part of June, and I got an idea that that was the time I went in. It turns out, after looking at the official record, that I was sworn in by Mr. Randolph—I believe it was—an old clerk there

in the department and a notary, at noon on the 1st of July. I really would not have thought to look the matter up, except by the request, I believe, of Mr. Bulkley, who asked me about a letter which Maj. Ray addressed to me, "Dear Mr. Secretary," and he asked me if there was any reason why he should address me in that way.

Mr. BULKLEY. Do you think that that may have been addressed to Mr. Taft?

Gen. WRIGHT. I have no means of knowing, and I do not know, whether he had any right to address him in that way. That is a matter of which I have not the slightest knowledge.

The CHAIRMAN. Is there not some regulation controlling that?

Gen. WRIGHT. There is a regulation that any official communication must come through the Chief of Staff; yes, sir. As a matter of fact, it occasionally happens that some officer does not obey that regulation, and he gets jacked up for it.

Mr. DIFENDERFER. How is he jacked up?

Gen. WRIGHT. Well, his attention is called to the violation of the rule, and he is notified that he must not do it any more.

Mr. DIFENDERFER. But suppose he does repeat it?

Gen. WRIGHT. I never knew of such a case. Of course they would court-martial or discipline him in some way if he persisted in doing it. I never knew of any occasion of that sort. I remember one or two instances. As I said to you the other day, indirect communications of that sort generally come through some Member of Congress who is interested in the Army officer, and that is forbidden, by the way, by rule of the department. It is forbidden by rule of the department for him to enlist any Congressman in his favor. As a matter of fact, however, it is done. The officer, of course, is in a position to say, and generally does say, that he does not know anything about it. In fact, I think it often happens that he does not know anything about it. I know of instances where members of the family of the officer want to keep him in this country when he is ordered away to foreign duty, and the mother-in-law, or mother, or father—that is, if he is a man of prominence—gets after the Congressman to help. I remember one instance, since talking about it, where a letter went to the Chief of Staff from the officer himself, protesting against the interference, saying that he did not want it done. I simply mention that to show you how such things occur. Now, I notice—I had not read that letter you were talking to me about—but I notice that Maj. Ray says here, and this is all I know about it—can you refer me to the page?

Mr. BULKLEY. I think I can find it for you.

Gen. WRIGHT. I notice that Maj. Ray says there, in that letter which he rushed to the Secretary, "My address is room 563, Federal Building, Chicago." That, I understand, is the paymaster's office, though I do not speak of my own knowledge about it. He says, "and as my extension of leave has expired, and I am on waiting orders by authority contained in the letter from the Chief of Staff, I would respectfully request that your action be by telegram." Now, of course, I do not know anything about that or whether it is true or not, but that possibly might account for this letter. I mean that he had already been put on waiting orders and felt at liberty to address the Secretary asking for immediate action. Now, about the telegram itself, as I stated yesterday, I have not the least memory

of that telegram. I am satisfied now that it was brought to my attention and that I signed it, and, of course, I must assume and do assume entire responsibility for it, and I do not want to be put in the attitude of throwing that off upon anybody. It seems to have been of the same date that I was inducted into office, and it must have been among my first official acts. I got Mr. Pedigo to bring down the carbon copy of the original, and while my signature is not there in full, I can recognize one letter there that I could see with my rather poor eyes, and that is the letter "L," and I have no doubt that I signed that order.

Mr. BULKLEY. Is your memory now refreshed so that you can remember what they said to you in bringing that to your attention?

Gen. WRIGHT. No, sir; I have not the slightest recollection of it. Of course, I can guess about it, but that is hardly what you want.

Mr. BULKLEY. I want to know whether you remember it or not?

Gen. WRIGHT. No, sir; I do not. There is another fact about it, but as to that I must depend on Mr. Pedigo. He informs me, and I have an impression that that is correct, that all telegrams that go out of his office—that is, out of the office of the Secretary of War from the private secretary are initialed, and this is not initialed, and so I imagine from that—though it is a mere guess and I would not undertake to state it with any degree of certainty—that it came out of the Chief of Staff's office. In fact, I find upon inquiry, and I had some impression about it, but now I am speaking rather from information derived from Mr. Pedigo, and my general recollection is somewhat indefinite—this probably was an order that would have come to me in view of the fact that Maj. Ray had already had five months' leave, which is quite a long leave, as you know, and the rule is that in matters of that sort the Secretary of War is called upon to pass upon these questions. So, I am rather impressed with the belief, and it is entirely probable, that Gen. Bell brought the telegram in, and that he called my attention to it, and I signed it. That matter may be considered at rest, so far as I am concerned. I am giving you the best information I can give you. Now, I have been reading over this evidence that you gentlemen have taken, and among that evidence are those papers that seem to have been turned over by Gen. Bell to Gen. Edwards, and by him to Gen. Crowder.

The CHAIRMAN. Of course, you understand that this document you have now in your hands contains papers that were furnished by the War Department to the Speaker of the House.

Gen. WRIGHT. Yes, sir; I understand that.

The CHAIRMAN. And they did not pass through this committee.

Gen. WRIGHT. I did not know that. I supposed they were sent in response to some demand on the part of this committee.

The CHAIRMAN. They were sent in response to a resolution offered by Mr. Covington. That is not evidence taken before this committee.

Gen. WRIGHT. I supposed that—

The CHAIRMAN (interposing). I simply say that it was not taken in evidence before the committee.

Gen. WRIGHT. I can refer to it with propriety—

Mr. BULKLEY (interposing). It has been referred to this committee for consideration.

Gen. WRIGHT. I think the chairman perhaps, or certainly some member of the committee, asked me how it was that I stated that I

had talked with Maj. Ray about extending his leave when in point of fact he had already had leave of four months, some part of which was unexpired and would not expire for two or three months, and I believe I was unable to answer that question, because I did not at the time know. I am not sure that I clearly know now, but I think I can, after reading these documents over which came from the War Department and also the evidence of Gen. Whipple, which you gentlemen were good enough to furnish me, as I say, I think I can probably, at least to some extent, explain it. I notice that communication here from Maj. Ray—I think it is to The Adjutant General—dated July 30, 1908. It is dated "Chicago, July 30, 1908," and he says:

Referring to telegram dated Washington, D. C., July 2, 1908, in which my application for extension of leave of absence was granted for four months, I have the honor to inform you that I desire to report to the commanding general, Department of California, August 20, and ask permission to sail on the liner leaving San Francisco Tuesday, August 25, for Manila, P. I., relinquishing the balance of my leave.

I find also that some two weeks or more after he was assigned to duty in Chicago, in the paymaster's department, I saw a statement in Gen. Whipple's evidence of his various assignments, and also a statement by him as to where he had assigned him, saying that he needed an extra paymaster there. Now, what I am going to say is largely argumentative, because I can not recall the facts. As an original proposition, I do not recall the facts, but evidently some time or shortly after he was assigned to duty he called to see me, because I am very certain he called to see me, and I am equally certain that he never called to see me but once. I have given you that, and, without going over that again, that is my recollection of what passed between us—

The CHAIRMAN (interposing). Now, right there, could that have been before or after he was assigned to duty?

Gen. WRIGHT. It must have been after he was assigned.

The CHAIRMAN. Do you mean to say he was calling on you after he was assigned to duty?

Gen. WRIGHT. It may have been before he had actually taken the station. It may be that he wanted it revoked; that is, the surrender of his leave. Now, the rule is, as I recall it, and I am clear about that—at least, that is my understanding—the rule is that where a man is on leave and is assigned to duty, he loses the balance of his leave entirely. In other words, his status is changed. He goes from a status of leave to a status of duty, and there must be a new order for leave before he can go out. My judgment and my belief is—although I may be in error about that, and I am telling you and trying to give you the facts in a coherent sort of way, and to account for these facts and his coming to see me. Now, he evidently was on duty, and evidently he expected to go back to the Philippine Islands.

The CHAIRMAN. Pardon me—being on duty in Chicago, do you say he could not go without leave?

Gen. WRIGHT. No, sir; but he came very probably—you see he had given up leave, and it is entirely possible that he might have wanted to go on leave, you see, or go on duty and stay in this country, for the reasons I have given you about the condition of his wife's health. Now, of course, you are just as capable of judging the probability of that as I am; but I am so well satisfied, and the more

I think about it the more satisfied I am, that he discussed with me the condition of his wife's health as the reason why he did not want to go away, that—

The CHAIRMAN (interposing). How long did this interview last?

Gen. WRIGHT. For 10 minutes, probably; not a considerable length of time; possibly not more than 5 minutes. I can not answer as to that. It is entirely probable that he was assigned to duty instead of going to the Philippines. He was assigned to duty. That rather confirms my statement or belief that it was some time in August that he talked to me about it. Now, there is another thing in that connection: I have been trying, of course, very assiduously to recall every incident that I thought would make me clear about what happened, and it is barely possible that he did not talk to me about what was the matter with his wife at that interview. I may have gotten that from his letter which I read. I notice in this letter that he makes some reference to his wife. He says:

Her case was diagnosed as mastoids, and she was operated upon at the Manhattan Hospital, New York City, immediately on my return from the Philippine Islands in 1903. The diagnosis was wrong; she did not have mastoids, and on my return to the Philippine Islands, in 1907, this old trouble came back upon her.

I can only tell you what I remember.

Mr. BULKLEY. Do you still think that this visit to you was for the purpose of securing leave?

Gen. WRIGHT. No, sir; my impression is that his visit was to me as I told you, if you will read what I said, for the purpose of being kept in this country.

Mr. BULKLEY. On duty?

Gen. WRIGHT. On duty, instead of going back to the Philippines; and looking at this communication of his to The Adjutant General of July 30, in which he states that he had been granted an extension of leave for four months, which he wishes to surrender in order to go back to the Philippines, it appears that he was probably in a position where he had to go back. You see, he had surrendered his leave, and I think, and my impression is—but, of course, you can form just as good an opinion of that as I can—that it was probably because he found himself in that situation that he wanted to talk with me. There was another matter here that I did not know. I think you called my attention to it, and I did not know just what it meant. Mr. Bulkley, can you turn to Mr. Pedigo's indorsement? I believe I told you that I did not know anything about that.

Mr. BULKLEY. Yes, sir.

Gen. WRIGHT. I am really in the same situation now, except that I have talked to Mr. Pedigo about it, and have looked at the files. I think I understand it. I do not recall—that is, I have no recollection at all now, but I think I can understand better now why he made it in the way it took place. I was referring to the sending of papers from The Adjutant General's Office to my office. That, as I understand it, if I may be permitted to say what he says, and if he is right about it—if you will notice there [exhibiting document] following this reference of papers by him there is a copy of record number 14,000,000 and whatever it is, "Adjutant General's Office." There did come into my office a statement asking the status of Maj. Ray, from the Paymaster General to The Adjutant General, and it was sent in to my office. You will observe that The Adjutant General seemed

to be inserting in various communications there that the records of his office did not show that Maj. Ray had been given an extension of leave, and that his record showed that he was absent without leave. In other words, his original leave had expired, and the Paymaster General seems to have sent in a communication in which he, in effect, as I read it—I am not sure that I am right about it—says:

States that the latest information on this subject received in that office is contained in the accompanying letter from the Chief of Staff, dated June 11, authorizing Maj. Ray to sail at his own expense, in returning to the Philippine Islands, on the Pacific liner, which is due to depart from San Francisco on July 11. In letter from Maj. Ray, dated July 6, he reported Chicago, Ill., as his address for July and August. Invites attention to the inclosed clipping from the Washington Times, of Washington, D. C., dated July 10, stating that Maj. Ray is temporarily detached for duty at Chicago, Ill., in connection with the movement to have labor bureaus set Candidate William H. Taft right with unions.

Now, that paper, as Mr. Pedigo informs me, and I am satisfied of the fact, was returned by him to The Adjutant General at that time for filing, and you will observe he states that. Now, I find here in looking over these papers, furthermore, that evidently Gen. Ainsworth and the Paymaster General both had called attention to the fact that their files were incomplete; that is, that they did not show any order extending Maj. Ray's leave. There is, on July 15—and, by the way, I see this is the same date as Mr. Pedigo's reference—an indorsement upon these papers returning them to the Paymaster General of the Army, with the information that the records of this office—The Adjutant General's Office—shows that the leave of Maj. Beecher B. Ray was extended four months. That, of course, made the record complete.

Mr. BULKLEY. That is to say, as soon as he got the papers back from Mr. Pedigo his record was complete, and he so informed the Paymaster General?

Gen. WRIGHT. Yes, sir; that is my strong impression from looking at these records, and the probability is that he got them from the Chief of Staff. The fact is, perhaps, and I have some reluctance in speaking of it, and perhaps I ought not to do so in this connection—but the Chief of Staff and The Adjutant General were not on the best terms. I do not know whether that has developed in the course of this investigation or not.

Mr. BULKLEY. We have heard something of it. How do you think that bears on this situation?

Gen. WRIGHT. It bears on it in this way, that Gen. Bell did not regard himself as obligated to turn over all papers received by him to Gen. Ainsworth, unless it suited him to do so. In other words, there was a very marked difference of opinion between them as to the obligation of the Chief of Staff to turn over to The Adjutant General for record everything that came through his office.

Mr. BULKLEY. How did the Chief of Staff get these papers at all?

Gen. WRIGHT. I really do not know, except, I suppose, he got them from The Adjutant General.

Mr. BULKLEY. So far as the record shows, General, there was a letter addressed personally to the Secretary of War. It was certainly addressed to the Secretary of War, and not to the Chief of Staff, and that was followed by an order over your personal signature. Nothing about the matter appears to have gone through the office of the Chief of Staff, and when The Adjutant General makes

his inquiry as to this order extending the leave of Maj. Ray, the inquiry is answered, not by the Chief of Staff, but by Mr. Pedigo. Where does the Chief of Staff come in?

Gen. WRIGHT. I do not know where he comes in, except that this cable of mine evidently did not go through my office, because it is not initialed. All the cablegrams and telegrams that go out of the office are initialed from the office from which they go, because in settlement of telegraphic tolls, it is necessary to know to what office to charge them.

Mr. BULKLEY. So you feel assured that the cablegram went from the office of the Chief of Staff, although it does not so appear on the record?

Gen. WRIGHT. I should say yes, without hesitation.

Mr. DIFENDERFER. Whose signature does it bear?

Gen. WRIGHT. My signature.

The CHAIRMAN. I thought that you assumed full responsibility for it a moment ago?

Gen. WRIGHT. I did. Of course, I can not issue an order over my own signature without assuming all the responsibility for it. I simply say that I do not recall it, but the fact remains that it was issued.

Mr. BULKLEY. Do you say that order was issued through the office of the Chief of Staff?

Gen. WRIGHT. I think it came out through the office of the Chief of Staff in the ordinary course of things. In the ordinary course of things, if it was not prepared in my office, it was prepared there.

Mr. DIFENDERFER. And it was initialed there?

Gen. WRIGHT. It was probably initialed there. The fact is I do not know, because I have never seen the original. All I have seen is the carbon copy.

Mr. BULKLEY. Here is my question: Suppose the order came out through the office of the Chief of Staff; was it not the usual course for him to sign such orders "J. F. Bell, Chief of Staff, by order of the Secretary of War"?

Gen. WRIGHT. Yes, sir.

Mr. BULKLEY. But in this case his name does not appear on it at all.

Gen. WRIGHT. I do not state that as a fact; that was one of my first orders—

Mr. WARBURTON (interposing). That telegram was signed by you the first day you went into office?

Gen. WRIGHT. Yes, sir; in the afternoon, because I was inducted into office at midday. The journal was shown to me, and it shows that there was a reception of the various officers and employees.

Mr. WARBURTON. And this having come to you but shortly after you were inducted into office, possibly you did not give it the attention that you would have given it later on when you became more familiar with the duties of the Secretary of War?

Gen. WRIGHT. Certainly I did not do it without conferring with somebody, because, as I told you, I knew nothing about Ray. I may have heard of him, and did make some inquiry, possibly, but at that time it is very possible that without much thought I just signed it.

Mr. SPEER. No doubt you had the letter before you, and it seemed to present a good reason for making the order?

Gen. WRIGHT. Yes, sir; and that is probably what happened. I am just guessing at it, but I do not doubt it for a moment. I do not want you to understand for a moment that I am throwing it off on anybody else.

Mr. BULKLEY. Do you think that that file was kept in the office of the Chief of Staff, notwithstanding the fact that the order went out from you personally, and that when the inquiry came from The Adjutant General—

Gen. WRIGHT (interposing). That does not affect the question at all; the fact that I signed the telegram as Secretary of War does not affect the question of where it was kept. If it originated in my office, it was kept there.

Mr. BULKLEY. So this in fact did not go to The Adjutant General's Office?

Gen. WRIGHT. It did go to The Adjutant General's Office, but it was two weeks before it got there.

Mr. BUCKLEY. And after a request from The Adjutant General for the information?

Gen. WRIGHT. Yes, sir.

Mr. BUCKLEY. So that The Adjutant General was compelled to take the initiative to get it?

Gen. WRIGHT. Undoubtedly; at least that is what is shown here.

Mr. BUCKLEY. And the idea is that the delay occurred in the office of the Chief of Staff and not in your office?

Gen. WRIGHT. I am not sure that it did not occur in my office. I think the strong probability is—though I do not know, and it is but a guess on my part—but there was this explanation; as a matter of fact Gen. Ainsworth would not go into Gen. Bell's office, and Gen. Bell was not fond of going into his office, and I was the receptacle, you see—

The CHAIRMAN (interposing). Would that explain why the Chief of Staff sent the cablegram to the commanding general in the Philippines?

Gen. WRIGHT. It might. As I said to you yesterday, I had the utmost confidence in Gen. Bell's rectitude of purpose. I am not, of course, speculating about the telegrams and things I do not remember anything about, if I ever did know anything about them, which is more than problematical. I think this will probably explain the delay and something of the reluctance of Gen. Bell in sending his orders into The Adjutant General's Office. I remember, as a matter of fact, that Gen. Bell felt that Gen. Ainsworth was not his friend, and that he was inclined to be critical of what he did, and he felt, as the Chief of Staff, that probably he was entitled to have his own way about things. And Gen. Ainsworth—I do not know whether you know him or not, but he is a man of views, and, by the way, a very able man. I found him to be an exceedingly helpful man. I did not take any stock in the feeling which was not confined alone to Gen. Bell in the department.

Mr. SPEER. Is it not a fact that Gen. Ainsworth's animus extended to a good many officers?

Gen. WRIGHT. Many of them, I think. My recollection is that he did not speak to the Assistant Secretary of War. In fact, I know he did not, because I talked to both of them about it and wanted to bring

about a state of harmony in the department. Both assured me that the other man was at fault.

Mr. BULKLEY. Should such personal feelings on the part of the Chief of Staff and The Adjutant General affect in any way the filing of records in their proper place?

Gen. WRIGHT. I should say not. To be frank with you, I have never had occasion to examine the act of Congress critically, with that end in view, because it has always been done, and this was perhaps exceptional.

Mr. DIFENDERFER. Who would you say was the proper custodian of papers passing through Gen. Bell's hands?

Gen. WRIGHT. My impression has always been that Gen. Ainsworth was, but Gen. Bell did not take that view of it.

The CHAIRMAN. And you acted on that question as Secretary of War, did you not?

Gen. WRIGHT. It was not a matter that came up to me in an official way to determine. There was nothing passing up to me for the settlement of the dispute between them. I remember, while on that subject, that Gen. Bell felt that in administrative matters of a confidential character it was for him to determine whether he had to go to The Adjutant General's Office.

I remember that Gen. Ainsworth talked to me about the affair and I asked him what the trouble was between Gen. Bell and himself, and he said that was one of the things, that Gen. Bell insisted he had the right to deal with these questions or with these matters without referring them, in the first instance or until he got ready to do it, to The Adjutant General. I remember having a very frank talk with Gen. Bell about his feeling toward Gen. Ainsworth, and I told him that if he had a real complaint to make it, so I could take it up and settle it.

Mr. BULKLEY. Did he make any real complaint?

Gen. WRIGHT. No; not anything that called for any action on my part, and I do not pretend to know now, to tell you the truth, what the details of it were, and did not care very much, except in so far as it affected the proper workings of the department. My policy was to get the best results that I could. While I knew of this state of feeling when I went in there, and while I was not particularly prepossessed with Gen. Ainsworth, I soon changed my mind about him, to tell you the truth, because of his business-like manner. He never came about unless he had something to say and as soon as he finished he got out; and I liked that. I soon got to sending for him more and more to come in about matters, particularly in his department and his general knowledge of the officers in the Army.

In the matter of promotions and things of that sort I used to send for Gen. Ainsworth and talk to him confidentially a great deal, because I was more or less of a stranger, in fact, I was an entire stranger when I went in, although I knew all of the larger Army officers because of my meeting them in a social way out in the Philippines and some I had met in an official way. I knew Gen. Bell officially as well as personally and had the greatest affection for him; I was very fond of him. But I did not side with Gen. Bell in his views about Gen. Ainsworth, nor did I attempt to discipline Gen. Bell at Gen. Ainsworth's instance. So that may account for what seems here to be an indisposition to turn in a record. I can not

imagine any reason, thinking the matter over, why Gen. Bell would try to do that and why he would not want to show the record, because he must have known he could not conceal it. In the first place it was sent to Manila and from Manila it came back to The Adjutant General, and I can not conceive any reason why he should refuse to file, for any sinister purpose, an order extending a man's leave, which he did not do and which I did do. You gentlemen may be able to conceive of it, because there may be something which I do not know about, but I can not explain it away. I rather take it that is just about the whole of it, when you get down to it.

Now, you asked me yesterday about why Gen. Bell should have adopted this seemingly mysterious way of sending these cables. Of course, I told you I did not know, but gave you a guess about it, and I am inclined to think that is very largely responsible for his indisposition to turn in this file to Gen. Ainsworth, although, of course, I can not tell you about that.

Mr. BULKLEY. On account of his animosity toward Gen. Ainsworth?

Gen. WRIGHT. No; I would not say that; but because of his idea that he was really the Chief of Staff and the superior of Gen. Ainsworth. If you know any of these Army officers you know that rank is a very important factor in their lives, and that some of the fiercest controversies arise about the ranking man and the respect due the ranking man.

The CHAIRMAN. This Ray record was a very ordinary affair?

Gen. WRIGHT. I think so. I can not conceive, thinking the matter over and looking the matter over, why Gen. Bell should want to hide it, and I do not see how he could have hidden it, because you see there was a complete record in the Philippine Islands of everything pertaining to Maj. Ray. I do not see any particular reason why he should have tried to hide it, because it was, when I come to think about it, a fact that could not be hidden away from Gen. Bliss, who was the commanding officer in the Philippines at that time.

Mr. BULKLEY. Do you know whether or not Gen. Bell made a practice of neglecting to file records with The Adjutant General?

Gen. WRIGHT. I think he did, although I can not say of my own knowledge. I was talking to Mr. Pedigo and—

Mr. BULKLEY (interposing). Do you think Mr. Pedigo has any knowledge about that?

Gen. WRIGHT. Perhaps I ought not to put him in the attitude of repeating what he told me, although I suppose there is nothing secret about it; he said that Gen. Bell's desk was full of papers of one sort and another when he left.

Mr. BULKLEY. That his desk was when he left?

Gen. WRIGHT. Yes.

The CHAIRMAN. Did you say "desk" or "basket"?

Gen. WRIGHT. Desk. Now, the question whether The Adjutant General is the ranking man in all of these matters or whether Gen. Bell is, you could readily understand, as well as myself, would create difficulty in the Army, and understand how that would cut a very large figure in determining the action of these men. I know that Gen. Bell complained very bitterly to me that Gen. Ainsworth would not come into his office and that he had to send one of his aides to get any paper which he wanted out of Gen. Ainsworth's office, and

I said to him—I am giving you the substance of it, of course, because I do not remember the full conversation, and the truth is I took it rather lightly—"Now, General, of course, if Gen. Ainsworth is doing anything that he ought not to do, you make your complaint, but, of course, I could not tell him to go into your office if he does not want to go, nor can I tell you to go into his office. But," I said, "you get papers when you want them, do you not?" And he said, "Yes, of course I do, but I do not think I ought to be required to send in there to get them." I said, "If you get them that is the main thing, and the question whether you ought to go to him or whether he should come to you is a minor matter."

Perhaps I did not take the thing as seriously as I ought to have done. I think possibly, thinking the matter over, that will account, to a considerable extent, for this seeming indisposition on the part of Gen. Bell, and perhaps altogether. But I can not understand how Gen. Bell felt disposed to hide the thing and how he could do so, unless he was a crazy man, or how he could think of doing it, because every record was in the Philippine Islands and a part of the official files, and, as I judge from reading this copy of these documents that seem to have been recently filed by the Secretary of War, under this resolution of Congress, they were every one sent here at one time, or most of them, and then sent back by The Adjutant General's Office.

Mr. BULKLEY. If you are referring to this document here, those papers were returned to Gen. Bell in that confidential envelope which we were talking about yesterday, and by him secreted for a year and then handed over to Gen. Edwards for secret custody in such a way that they would not get to The Adjutant General.

Gen. WRIGHT. Well, I take it that what you tell me is the fact, although I have not read Gen. Edwards's evidence; you did not furnish me with it, but I did read Gen. Crowder's evidence, which you were good enough to furnish me with, in which it appears that these papers had not been put on file. But, as I was saying, I do not now see the point of it, thinking it over, because they had been on file in The Adjutant General's Office, and knowing, as I do, the state of mind between the two generals, I can not imagine how Bell supposed there could be any secret about a thing of that sort, and do not see yet, thinking it over. Of course, he knew that everything he had written or said had gone to Manila to Gen. Bliss, and he knew, of course, that Gen. Bliss had all of his papers and telegrams, and that Gen. Bliss had sent them back to him. So I confess I do not see the point of it all. I thought at first that possibly there might be some reason why he did not want it to appear that Col. Wallace had preferred a lot of malicious charges.

Mr. BULKLEY. Do you mean to say that there is another official file which would contain duplicates of all these papers?

Gen. WRIGHT. I think so.

Mr. BULKLEY. Out in the Philippines?

Gen. WRIGHT. Yes, sir. The rule is where papers are sent, or at least I am morally certain of it—of course, I was never in the office of the general commanding there—but I know that in my own office we keep religiously a copy of everything that either goes out or comes in.

Mr. BULKLEY. So, when the Secretary of War received the resolution from the House of Representatives asking for all the papers.

he should have called for the papers that were on file in the Philippines?

Gen. WRIGHT. I do not say that at all, because they were supposed to be duplicates of these here.

Mr. BULKLEY. Well, he did not find these here.

Gen. WRIGHT. I do not suppose he had any reason to know there were any others, but about that you are asking me to pass judgment upon why he did or did not do something.

Mr. BULKLEY. The reason I asked it is this: That the papers which he did send us were obviously incomplete. They showed on their face they were incomplete, and not finding them in the bureaus of the department at Washington, and if there were duplicates in Manila, would it not have been his duty to inquire for them?

Gen. WRIGHT. Well, yes; if he knew they were incomplete, certainly I would say yes, but the probability is that when he received the resolution he sent it in and asked The Adjutant General's Office to furnish a copy of the files without examining them at all. That is what I should have done.

Mr. BULKLEY. So that you think it never occurred to anybody down there to notice whether the file showed it was complete or not?

Gen. WRIGHT. I have no reason to suppose anything; I am a rank outsider and I have got no inside means of information about what did or did not occur in the War Department. I barely know Mr. Stimson, but I do not see any reason why he should be trying to give you a fragmentary record, a record which, as you say, showed on its face that there were more papers behind that had not come in.

The CHAIRMAN. Are there any further questions?

Mr. BULKLEY. I think the general had hardly finished his statement.

Gen. WRIGHT. There were some other matters. We switched onto a pretty wide discussion and there was some other matter that I had in mind. In reading these papers over I see a lot of communications from inspectors and men in office who, under directions, have examined Maj. Ray's affairs out in the Philippines and his alleged shortcomings, and it rather confirms my impression of what Gen. Bell told me about the matter. You see, I did not have the papers, but as I recollect it, the general did not fail to tell me anything that I ought to know, so far as I can see.

The CHAIRMAN. The papers were in Washington at the time, were they not?

Gen. WRIGHT. No, sir; they were not. You will find, when you examine all of these records carefully, that they were sent back from here to the Philippine Islands with directions for such disciplinary action as the commanding general out there might think proper. I have seen some evidence of it there, but I can not put my hands on it at this moment; I will look it up if you think it material. Gen. Duvall, who was Chief of Staff, had probably made that record while Gen. Bell was away. It frequently happened that the Chief of Staff was away for considerable periods on other duties, and I think probably when Gen. Bell got back he took up the matter and investigated, or he may have done it before he went away.

The CHAIRMAN. How could he have done it before he went away? How could he have done it without the papers?

Gen. WRIGHT. He could not, but he could have known about them before he went away. However, I do not know what the history of that is, and I do not pretend to say. But you can readily understand how Gen. Bell would prefer to act on this matter himself, and I do know that he discussed with me, as I told you the other day, about the shortage in this item, or, rather the falsification of this item about the fare on the steamship, and I had the impression that there was probably some other trivial matter, and I see some question of a \$10 fine that had been imposed, and at one time it was claimed that Maj. Ray collected that, but of which he was relieved, as you will see from the record. And then there was a question of a short payment of a half dozen scouts, which seems to have been cleared up.

Mr. BULKLEY. Did you say Gen. Bell discussed all of those matters with you?

Gen. WRIGHT. No; I do not say we did, but I think it probable. I do not think he would hide anything from me. The next thing is the only thing that raised in my mind anything of a very serious nature, and that was his having paid one fare and charged the Government with another. I got to looking at these papers and have somewhat refreshed my memory; I believe I told you it was \$9, and it turns out to be, so far as Ray was concerned, \$8.50. But there was a claim that he had charged the Government \$40 for the fare of his chief clerk and only paid \$20. It seems they had to buy their tickets and were afterwards reimbursed. Ray disputed that, and that seems to be the question that was under discussion, and——

Mr. DIFENDERFER (interposing). And finally passed over?

Gen. WRIGHT. Yes. What do you mean?

Mr. DIFENDERFER. I mean that no account was taken of it in an official way.

Gen. WRIGHT. Well, I do not know that. What I do say is that I told Gen. Bell, after the discussion about the relations between the paymaster—who, by the way, made all of these charges, and most of which were found to be without foundation—and Ray, to get all of the papers and himself investigate the case. At that time Ray was being ordered to another station, and I told him that if he felt the case called for disciplinary action that he should order it.

Mr. BULKLEY. What is the amount of money which a man may steal or sign a false voucher for and have it called unimportant?

Gen. WRIGHT. I would not consider a nickel. Of course, that question, with any gentleman, answers itself.

Mr. BULKLEY. I thought your impression was that inasmuch as he only stole \$8.50——

Gen. WRIGHT (interposing). No; what I intended to say was that it did not seem to be very probable that he intentionally had been guilty of that.

Mr. BULKLEY. I misunderstood you.

Gen. WRIGHT. That the probability was there had been an inadvertence, and that the charges themselves grew out of the malice of his superior officer.

Mr. BULKLEY. I quite understand you now, General; I misunderstood you before.

Mr. DIFENDERFER. In the case of paying for transportation could there have been a mistake? Could he have charged the Government \$40 and only paid \$20 for his clerk? Could there have been a misunderstanding there?

Gen. WRIGHT. Well, I do not think justly so, no; except that his claim was that this was a special rate which they gave to him as an individual and that the Government rate was \$40. I do not think that is a good answer to it at all, and I think there ought to have been a thorough investigation of it; but my idea was that Gen. Bell was certainly as competent as anybody else to make that investigation, and I wanted to have all of the papers brought to Washington and have him examine them, and if he found it was a case calling for court-martial to order him back to the Philippines by the first transport.

Mr. BULKLEY. You knew at the time that the papers had been here in Washington and had been passed upon?

Gen. WRIGHT. I did, yes; I suppose I did; I must have known that.

The CHAIRMAN. Did you know how long they had been here?

Gen. WRIGHT. No, sir.

The CHAIRMAN. Do you know how long Gen. Bell was absent from Washington while the papers were here?

Gen. WRIGHT. No; I do not know; it may have been a day or two days or five days.

The CHAIRMAN. Did Gen. Bell tell you in this conversation that he had examined this record?

Gen. WRIGHT. No; he told me about what he understood to be the facts, and I supposed, of course, he got them from the record.

The CHAIRMAN. You did not think it worth while to have the record brought to you?

Gen. WRIGHT. No; I did not ask him for the record; I thought he was thoroughly competent to give it a careful examination and an honest one. In other words, the Secretary of War does not ordinarily examine papers preliminarily; of course, if it had been a court-martial I would have been compelled by law to go into the whole thing and weigh the evidence and make a recommendation to the President as to whether the result of the court-martial should be affirmed or reversed. But there is hardly a week that passes that there is not some question about some irregularity or other or some breach of discipline which the Chief of Staff and Secretary of War discuss, and the matter is usually left to him for his own action preliminarily. Of course, they may finally come to the Secretary.

Mr. BULKLEY. As a matter of fact, you do not remember whether you told Gen. Bell to get certain papers back from the Philippines or not?

Gen. WRIGHT. Well, I remember that I told him to get all the papers, to bring them back and examine them and determine whether it was a case calling for further action. But the papers I did not see, nor did I know particularly what the papers were, except as he told me about them.

Mr. DIFENDERFER. Did you make a request to have them tendered to you?

Gen. WRIGHT. No; I did not; I do not recall having done so. I could not very well have done it if they were out in the Philippines.

Mr. BULKLEY. In discussing this matter of ordering the papers back you said in your testimony yesterday, "I knew that the Chief of Staff or, possibly, the Paymaster General, was in possession of these charges, but I did not call for any papers nor did I know of any."

Gen. WRIGHT. Well, that is hardly a fair statement of what I said; at least not exactly what I intended to say.

Mr. BULKLEY. You did not exactly mean this in the way it reads here?

Gen. WRIGHT. No. Of course, I knew there were papers, and I knew that the papers had been sent back, and Gen. Bell told me what he understood the facts were, and I thought from his statement that it was probably not a case which would call for such action as would hold a man there to be court-martialed when he was ordered to another field of duty, and so I directed that he just get the papers and examine the whole case, and if he thought it was a case calling for further action to make the order.

The CHAIRMAN. What supervisory power would the commanding general of the Philippine Islands have over the enforcement of the disciplinary action that was recommended by the Paymaster General? Did he not have the right to look into these charges?

Gen. WRIGHT. Why, certainly.

The CHAIRMAN. And if he considered them not well founded, well taken, did he not have the right to say so?

Gen. WRIGHT. Surely; yes.

The CHAIRMAN. Did not Gen. Bell know that?

Gen. WRIGHT. Yes; Gen. Bell had the right, as his superior officer.

The CHAIRMAN. The commanding general was on the ground?

Gen. WRIGHT. Yes.

The CHAIRMAN. And familiar with the relations between Ray and Wallace?

Gen. WRIGHT. Presumably so.

The CHAIRMAN. Would it not have been more regular for Gen. Bell to have, in some way, directed the commanding general of the Philippines to have exercised his discretion in regard to the enforcement of the disciplinary action if Gen. Bell was of the opinion that there was a feud on between Ray and Wallace?

Gen. WRIGHT. Possibly it might have been the better course. On the other hand, if he felt that there was nothing in it and told them to send the papers back for his investigation, I do not see that there is any necessary conflict between your view of what should be done and Bell's view. At any rate, as I recollect it, that was what was done, and whether that was correct or wrong you can pass on.

The CHAIRMAN. You do not remember a conversation with Gen. Bell in December, 1908, which resulted in a cable from him to Gen. Bliss instructing him to meet the requirements of discipline in this matter without reference to a court-martial?

Gen. WRIGHT. No; I do not recall that at all.

Mr. BULKLEY. Are you satisfied that Gen. Bell's main object in stopping further proceedings in the Philippines was in order to leave Ray free to proceed to Honolulu?

Gen. WRIGHT. That is the only reason I know of, Mr. Bulkley.

The CHAIRMAN. If the papers were returned in response to these orders how do you account for the nonaction of Gen. Bell in regard to this matter?

Gen. WRIGHT. I do not attempt to account for it, because I do not know anything about it.

The CHAIRMAN. If he sent for the papers for the purpose of looking them over to see whether the charges were well-founded, why should

these papers have remained for a year and a half or two years without any action?

Gen. WRIGHT. That I can not say, because I do not know. I went out of the department before any papers came back. I have never seen Gen. Bell to speak to, as far as I can recall, since, and I have not thought about the matter, from the time I directed Gen. Bell and authorized him to take the course he did, until this good hour.

Mr. BULKLEY. You told us yesterday that you once talked with President Roosevelt about Ray. Do you remember how you happened to do that?

Gen. WRIGHT. I do not; I was just trying to think, but I do not remember about it, except that there was some reference once made to President Roosevelt.

Mr. BULKLEY. You do not know whether he introduced the subject or whether you did?

Gen. WRIGHT. I do not recall; I do not know anything about it.

Mr. BULKLEY. Gen. Edwards told us he thought you had talked to President Roosevelt about it.

Gen. WRIGHT. I have some impression about it, but I would not attempt to give it when I am as hazy about it as I am. But I believe there was some casual reference to Ray, but what it was I do not know.

Mr. BULKLEY. How long have you been a close friend of Gen. Edwards?

Gen. WRIGHT. Well, I can not say that I have ever been a close friend of Gen. Edwards; I have been associated with Gen. Edwards in an official way and in a personal way for a number of years, you see, while I was a member of the commission in the Philippine Islands and afterwards the governor.

Mr. BULKLEY. He was out there?

Gen. WRIGHT. No; he was not. He was chief of the Insular Bureau.

Mr. BULKLEY. You were associated with him at long range?

Gen. WRIGHT. Yes, sir; and we exchanged letters and cables every day almost; and he came out to the Philippines—well, the first time I met him was when I came back to the United States on leave and made my headquarters in the Insular Bureau, and there I would see Gen. Edwards very frequently. We have probably taken dinner together once or possibly twice. However, our relations were extremely cordial; and he came out to the Philippines with President (then Secretary) Taft, and, of course, I saw him a great deal there. And when I came back to Washington I saw him frequently, because I liked him.

The committee thereupon adjourned.

MISCONDUCT OF OFFICERS OF THE PAY DEPARTMENT OF THE ARMY.

COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT, HOUSE OF REPRESENTATIVES, *Wednesday, August 14, 1912.*

The committee met at 10 o'clock a. m., Hon. Harvey Helm (chairman) presiding.

TESTIMONY OF HON. HENRY L. STIMSON, SECRETARY OF WAR.

The witness was duly sworn by the chairman.

The CHAIRMAN. You are the Secretary of War?

Mr. STIMSON. Yes, sir.

The CHAIRMAN. Mr. Bulkley, will you kindly conduct the examination?

Mr. BULKLEY. Mr. Secretary, I presume you are familiar with House resolution 208, directing the Secretary of War to transmit to the House of Representatives certain records, reports, letters, and papers concerning the misconduct of officers in the Pay Department?

Mr. STIMSON. Well, is that the one that is called the Covington resolution?

Mr. BULKLEY. Yes.

Mr. STIMSON. Passed somewhere about last June?

Mr. BULKLEY. Yes; passed June 15, 1911.

Mr. STIMSON. I am familiar with it in a general way.

Mr. BULKLEY. You have had it before you?

Mr. STIMSON. I do not know that I ever have.

Mr. BULKLEY. Is there some system in the War Department by which when the House passes a resolution directing the Secretary of War to do certain things the Secretary himself never sees the resolution?

Mr. STIMSON. That probably happens almost every time; it is handled by the chief clerk. They tell me such a resolution has passed; and if there is any question about it they bring it before me; otherwise I tell them to go ahead and get the papers and send them up.

Mr. BULKLEY. I suppose if you do not see it you take the responsibility of not seeing it? Are you not charged with notice of it?

Mr. STIMSON. Now, Mr. Bulkley, you know perfectly well I am not trying to avoid any responsibility for that.

Mr. BULKLEY. I want to find out about that, because it becomes important. I want to know whether you have not read the resolution?

Mr. STIMSON. I have read copies of it.

Mr. BULKLEY. Gen. Crowder testified that on or about February 19 or 20 he took to your office certain papers which were found by Gen.

Edwards in a cupboard in his office and which, under your instructions, Gen. Crowder had segregated into two piles, one of them being such as he thought were official documents that ought to come before the committee, and the other pile private correspondence of Gen. Bell's. He said that he took those two bundles to your office and that you confirmed his segregation or classification and returned those that he had considered official for transmission to this committee. Do you remember that?

Mr. STIMSON. I remember the incident in substance was that. If you want me to tell you what I do recollect, I think I can do so in a very few words.

Mr. BULKLEY. Yes; I should be glad to have you do so.

Mr. STIMSON. On a Sunday morning—I will begin back earlier than that, since you ask me about the Covington resolution. That was brought to my attention, I think, by the chief clerk, though I am not sure about that, back in June, within a week or two after I became Secretary of War; the fact was brought to my attention that such a resolution had been passed, calling for papers relating to Maj. Ray; at the same time I was told that it was a matter which might concern the President. I therefore at once consulted him, and under his direction I sent up all of the papers or had them sent up; I never saw them myself.

Mr. BULKLEY. You are now referring to a period about July a year ago?

Mr. STIMSON. I am referring to a period before I went to Panama. I sailed from New York on the 6th of July, and it must have been between the date of the passage of this resolution and the 6th of July.

Mr. MARTIN. 1911?

Mr. STIMSON. 1911. There was a question raised then by the President as to whether this committee wanted certain papers which brought in the name of a woman, and he told me that he had consulted, after I had notified him of the pendency of this resolution, I think, Mr. Sweet, of the House, to find out whether the committee wanted those papers put in the record or not, and that he would inform me what Mr. Sweet's answer was. I got Mr. Sweet's answer, in what form I do not remember, whether verbally or not, but the effect of it was that all of the papers were wanted, and directions were issued to send them all up, and that ended the matter so far as I knew. I never saw the papers at that time. I had never, of course, heard of Maj. Ray before I became Secretary of War; that was the first I heard of him, and I supposed all the papers had gone up.

Then, later on, last winter, Gen. Edwards called me up at my house on the telephone in the morning; I looked it up yesterday to verify the date, and by reference to the records it must have been the Sunday immediately preceding February 20, whatever date that was. He told me that he had just discovered some papers in his office which had, as he informed me, been left with him by Gen. Bell. He said that it had been brought to his attention from the fact that some newspaper article had indicated that there were some papers missing in the Ray case, and that on a cursory glance it seemed to him that some of the papers in this package were official papers relating to that case. He wanted to know what to do, and I at once told him to take it up with the Judge Advocate General. Gen. Edwards said he had not gone through the papers. I told him

to take them up to the Judge Advocate General and have him go through the papers and indicate which were the papers that belonged to the War Department, and which were the papers that belonged to Gen. Bell, in other words, which were official papers and which were private papers belonging to Gen. Bell, and to at once have them filed and copies sent to the committee of those that were official letters or letters belonging to the Government. Later on I think Gen. Crowder did bring to me in my office in the War Department some papers, but his purpose was, as I recall it, to ask me whether his standard of selection had been correct, and to ask my opinion as to four or five papers about which he was a little in doubt. I discussed with him the standard of selection that he had used, and told him I thought that was right, and I looked over these four or five papers, about which there was some little doubt, and I think we decided to send them all up here. That is all that I recall now about it. When you telephoned to me yesterday I sent for Gen. Crowder and he told me of his testimony, and I read it over. I have no independent recollection now of what was done with either package, but I know perfectly well that the distinction I had in mind was that the papers which belonged to the Government and were under my custody should be filed, and sent up here and that the papers which did not belong to the Government but belonged to Gen. Bell, should be returned to him.

Mr. BULKLEY. Now, the greater part of those papers that were sent up here were clearly official papers and ought to have been in the files of the department. That is true, is it not?

Mr. STIMSON. I certainly thought so. I did not go through them all; I took Gen. Crowder's decision for that.

Mr. BULKLEY. There were certainly some papers about which there could not be any question, relating to—

Mr. STIMSON (interposing). I thought I had sent you all the papers which in any way belonged to the Government and related to the Ray case.

Mr. BULKLEY. Yes, sir; but what I am trying to get at is this: That there were some papers among those which you did send which were clearly a part of the records of the department and should have been on file all the time.

Mr. STIMSON. I assumed that they probably were; I assumed that they all were. I do not quite understand your question. I thought the papers that I sent you were official papers, and official papers ought to be on file.

Mr. BULKLEY. Now, were they on file when they were in Gen. Edwards's cupboard?

Mr. STIMSON. No; they were not, if you mean on the usual files. Are you asking me a question of law or fact?

Mr. BULKLEY. Well, it is a question of law.

Mr. STIMSON. Well, I think you ought to decide yourself, Mr. Bulkley; I am here to tell you all the facts.

Mr. BULKLEY. I think it is important to have your interpretation of that law.

Mr. STIMSON. With all due respect, I beg leave to differ with you. I am ready to give my own interpretation of law for the purpose of the conduct of my department, but when a committee of Congress is

exercising its functions I assume it will act for itself according to such legal advice as may be given it.

Mr. BULKLEY. Of course, we do not promise to agree with you on that, but it is important to know how you interpret this question of whether papers are on file or not, because there is a law against taking papers out of the files, and I would like to know——

Mr. STIMSON (interposing). Those things were on file.

Mr. SPEER. I submit the opinion of this witness would not make any difference.

Mr. BULKLEY. I think it would.

Mr. SPEER. It will just give us his opinion; that is all.

Mr. STIMSON. Now, look here, gentlemen, the head of a department of this sort has about a thousand different statutes governing his department, and it is perfectly impossible for him to act with the full and complete knowledge of every one of those that a counsel would have who looks up a special case. I have never given this point any special legal consideration, and I do not think you ought to ask me, when I come up here to give you the facts of the case, my views taken in the abstract.

Mr. BULKLEY. Now, I do not want to impose upon you any snapshot legal opinions; that is not the purpose of it at all; but what I had in mind was this, that here was a resolution calling for papers, and you directed the Judge Advocate General to segregate certain papers which related to this matter.

Mr. STIMSON. I did.

Mr. BULKLEY. And to hold part of them back from a committee of Congress.

Mr. STIMSON. No; hold on. I have stated what I did, Mr. Bulkley, I think; if you will pardon me for saying it, I do not think that is quite a fair version of what I did say.

Mr. BULKLEY. I want to get it exactly fair. What you did was to segregate certain papers, did you not?

Mr. STIMSON. I did my best to determine which papers belonged to the Government and which belonged to Gen. Bell; I did my best to determine which were the papers over which I had official custody and control and those over which I had no responsibility whatever, and authorized the sending to this committee, as soon as I knew of it, of the papers which I had anything to do with or which belonged to the Government.

Mr. BULKLEY. In any event, whatever your purpose was in advance, the effect of your action was to hold back certain papers from the committee?

Mr. STIMSON. I do not think so at all.

Mr. SPEER. That would seem to infer that he held back official papers.

Mr. STIMSON. Certainly.

Mr. BULKLEY. I did not say whether they were official or not; I say there were certain papers relating to the case that were held back.

Mr. STIMSON. It is an unfair use of the words to say "held back." I believe this committee has had the full facts, and had everything that I have ever heard of about Maj. Ray, and that no material fact has been held back from you, so far as I know, by any member of the department.

Mr. BULKLEY. It is furthest from my purpose to offend you with any particular term or say anything that is unfair, and I if am unfair I will be glad to be corrected and change it; but the point is this, that here were certain papers relating to this case which were brought to your notice and which did not come to the committee. Now, if there is some better term than to hold them back, I am perfectly willing to change it.

Mr. STIMSON. There were included in this package a few other papers. I did not examine them except so far as to see one or two of them that lay there on the top. They were papers which seemed to be purely personal letters belonging to Gen. Bell and had no connection, so far as official action was concerned, or anything to do with this case.

Mr. BULKLEY. How do you know whether they had anything to do with this case if you did not read them?

Mr. STIMSON. I did not except the Judge Advocate's statement and except the general appearance of the papers.

Mr. BULKLEY. Did he state to you that they did not have anything to do with the case?

Mr. STIMSON. He stated to me that they had no bearing on the official action of the case.

Mr. BULKLEY. Did not he say to you that they did concern the case; that they were on the subject of Ray?

Mr. STIMSON. He said they talked about the case, some of them, not all of them. That was the only way in which the question was laid before me came up. There were these four or five papers that he was doubtful about, and we sent up some letters which mentioned the case.

Mr. BULKLEY. Now, there were certain letters which you say were personal letters, but which nevertheless it was brought to your notice were about this case?

Mr. STIMSON. Yes.

Mr. BULKLEY. And you decided not to send them to the committee?

Mr. STIMSON. I did.

Mr. BULKLEY. The reason I thought you had formed an opinion about the files of the department was this, that I thought you must have considered at that time, whether you were taking papers out of the files of the department or not.

Mr. STIMSON. I considered very carefully my obligation to furnish your committee with every Government paper that related to this case and that was under my control as Secretary of War.

Mr. MARTIN. Let me ask one question there: I understand that some of these papers that were considered personal papers of Gen. Bell did refer to the Ray case. Now, if that is true and they were found in these files with papers referring to the Ray case that were clearly official, does not that indicate that in the opinion of Gen. Bell these so-called personal papers were properly a part of the record and were left with these other papers purely on that account?

Mr. STIMSON. Not at all, because, as I recall the statement that was made to me, the package consisted of several packages—more than one—and some of the papers were clearly papers that were purely personal and had nothing to do with the case.

Mr. BULKLEY. Did you act on the theory that papers could be bound up together in a single package and stored in a single place,

and that some of them could be under your custody as Secretary of War and some of them not?

Mr. STIMSON. Again, that is not a fair statement. They were not in a single package; they were in several packages.

Mr. BULKLEY. Did Gen. Edwards find them in several packages?

Mr. STIMSON. I understood so; that there were several packages contained in one large package.

Mr. BULKLEY. Well, if they were all contained in one large package could that one large package be segregated into smaller packages, part of which were under your control and part of which were not?

Mr. STIMSON. It seemed to me very clearly so at the time, and does now.

Mr. BULKLEY. It was on that theory that you acted?

Mr. STIMSON. And should act again.

Mr. BULKLEY. Now, I call your attention to the language of this resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to transmit to the House of Representatives copies of all records, reports, letters, or papers of any description which on June fourteenth, nineteen hundred and eleven, were in or recorded in any bureau or office of the War Department, or were in the custody of any civil or military officer or employee in any bureau or office of the War Department, and which relate in any way to charges or accusations of criminal or other misconduct on the part of any officer or officers of the Pay Department of the Army since January first, nineteen hundred and five, or which relate in any way to absence from duty since January first, nineteen hundred and five, of any such officer or officers against whom such charges or accusations have been made.

Now, there does not seem, under that resolution, to be any distinction between official or unofficial papers. It calls for all reports, letters, or papers of any description which were in any bureau or office of the War Department.

Mr. STIMSON. I also notice that it addresses me not as Henry L. Stimson, but as Secretary of War. Does that occur to you as having any significance?

Mr. BULKLEY. I would be glad to have the suggestion of it.

Mr. STIMSON. It is official; it is a request of me in my official capacity to produce the papers in my official custody.

Mr. BULKLEY. In your interpretation it would not request you to produce any papers which you did not think were official?

Mr. STIMSON. It certainly does not ask me to produce other people's papers than those belonging to the United States Government.

Mr. BULKLEY. Well, it does not say anything about belonging to the United States Government; it says:

All records, reports, letters, or papers of any description, which, on June fourteenth, nineteen hundred and eleven, were in or recorded in any bureau or office of the War Department.

Mr. STIMSON. Mr. Bulkley, why not get right down to it? Gen. Bell left with Gen. Edwards, his personal friend, a package of papers, some of which belonged to the Government and some of which belonged to Gen. Bell. Gen. Edwards found them, was confused, and came to me to know what should be done. I told him that the papers that belonged to the Government ought to come up here, and that the papers which belonged to Gen. Bell were a matter of personal arrangement between Edwards and Bell, according to the deposit made by one with another. That seemed to me to end the situation.

Mr. BULKLEY. Now, all of those papers were deposited by one gentleman with another—is that the situation?

Mr. STIMSON. I should assume so from the testimony.

The CHAIRMAN. Will you pardon me just a moment? Did it occur to you that it would be reasonably fair that some one connected with the committee should have a look at those papers?

Mr. STIMSON. I am very glad you asked me that question, Mr. Chairman. I had previously seen this committee make public and spread through the public press correspondence relating to the error of a woman who at that time had been reconciled to her husband, as far as I had heard, and was living happily with him.

The CHAIRMAN. Will you pardon me if I interrupt you there?

Mr. STIMSON. Allow me to finish my answer. Under those circumstances, I felt unwilling to officiously or voluntarily offer to that committee correspondence which belonged to a gentlemen whom I had never met, and which, so far as I could find out, contained no material fact which was not fully submitted to the committee in official documents.

The CHAIRMAN. I wish to say on behalf of the committee that there was no attempt to spread anything through the press other than that which came out through the public hearings held in this office, and during all of those hearings the committee religiously undertook, I might say, to guard against anything getting into the record that would in any way reflect upon this woman, and the charge that this committee spread through the papers matter or material that was anything other than official and made public at the hearings is an unjust criticism of this committee.

Mr. STIMSON. If you will pardon me, I did not mean—

The CHAIRMAN (interposing). And I think every member of this committee will bear out my statement that we exercised every precaution to guard against anything that looked like an effort to—

Mr. DEFENDERFER (interposing). Even going so far as to leave the name of the woman blank.

The CHAIRMAN. Yes. And I think that is a very unjust criticism of this committee.

Mr. SPEER. Is it not a fact that that is the only thing that was not made public?

The CHAIRMAN. Everything that occurs here is public. We do not lock that door and hold star-chamber proceedings. These things are public and they go to the public.

Mr. SPEER. Is it not a fact that in a number of instances that stuff was published before it was produced before the committee?

Mr. STIMSON. I do not know about that.

Mr. SPEER. There was a lot of newspaper stuff printed about the Ray case before the hearings.

The CHAIRMAN. I want to say to you gentlemen that whatever the newspapers got concerning this Ray case was gotten at these hearings by the reporters who attended them.

Mr. BULKLEY. Now, on that point let me call your attention to this—whether you personally know it or not I do not know—but were you consulted with reference to the papers that should be sent up here?

Mr. STIMSON. I was consulted to the extent that I have spoken of.

Mr. BULKLEY. I will remind you that with the papers sent up with the Ray case were some other papers which mentioned by name a woman who was the daughter of a Civil War hero which, if they had been published, would have created a scandal, but which the committee refused to have printed.

Mr. STIMSON. I do not know that that is true, because I never heard of it.

Mr. BULKLEY. That is the fact, and that being so, what right has your department to criticize what comes out of this committee?

Mr. STIMSON. Now, that is not fair. The chairman asked me whether I did not think I should have offered voluntarily—being under no legal compulsion to do so—the private papers of a gentleman, and I say that I do not think I should, under any circumstances, volunteer to produce another man's papers, and I had the danger of it particularly brought to my attention at that particular moment by the fact that a matter which seemed to me susceptible of more careful treatment had been made public through the action of this committee.

The CHAIRMAN. What particular matter do you refer to?

Mr. STIMSON. The matter of this woman that we have spoken of.

Mr. BULKLEY. If there is anything in those papers more scandalous than appeared in the papers sent here, it must be pretty bad.

Mr. STIMSON. We sent up everything that the files showed; but we did not make it public by sending it up.

Mr. BULKLEY. You would not have necessarily made these others public by sending them up. That is what I am calling your attention to.

Mr. STIMSON. I would not necessarily have made them public; but I would have put it into the power of the gentlemen up here to make them public at a time when I knew they had made other things public which I thought might have been treated otherwise.

Mr. MARTIN. When were these papers left by Gen. Bell with Gen. Edwards? Is that known?

Mr. STIMSON. I do not know.

Mr. SPEER. That is in the testimony.

Mr. MARTIN. If Gen. Bell left these papers with Gen. Edwards, I can not understand how they were found by Gen. Edwards. They could not have been lost.

Mr. STIMSON. You have had Gen. Edwards before you, and he has testified.

Mr. MARTIN. I will confess that I was away during the greater part of the time that the Ray case was being heard, but I was referring to your own statement that Gen. Edwards had called you up on the phone.

Mr. STIMSON. He did.

Mr. MARTIN. And told you he had discovered these papers in a cupboard in his office?

Mr. STIMSON. He told me—

Mr. MARTIN (interposing). I do not see how he could discover papers that were left with him in the first place.

Mr. STIMSON. You have had Gen. Edwards here. My recollection is that he told me either that he had discovered them or that they had been discovered; I do not recall now the precise language. Of course, that was nearly six months ago. My recollection is that he

has testified to it very fully, and as to every circumstance relating to the discovery of those papers.

Mr. BULKLEY. Yes; he did.

The CHAIRMAN. One further question: Did the Judge Advocate General make known to you a request from this committee that the papers that you denominate private papers of Gen. Bell, and which were sent to him, being a part of these papers that were discovered in Gen. Edwards's office, be returned to Washington by Gen. Bell without opening?

Mr. STIMSON. He did not; and I should doubt whether any request was made by this committee which Gen. Crowder understood as a request.

Mr. BULKLEY. The request is in the record, Mr. Secretary [handing Mr. Stimson copy of hearing No. 20].

Mr. STIMSON. May I show this to Gen. Crowder?

Mr. BULKLEY. Yes.

Mr. STIMSON. May I ask Gen. Crowder a question?

The CHAIRMAN. Certainly.

Mr. STIMSON. Did you ever report to me that any request had been made to get the papers from Gen. Bell?

Gen. CROWDER. I never did; and I do not discover any such request in these hearings; if anybody can read it in that language, I would like to have them read it to me.

Mr. SPEER. I was present, and I never understood that such a request was made; that is, that you really wanted it done.

Gen. CROWDER. There was an inquiry made of me whether I would enter into direct correspondence, and it was followed immediately by another question.

Mr. BULKLEY. The language is this:

Well, I will put the question in the form of a request. The committee will be pleased to have you cable in person to Gen. Bell at his present location in Manila to return, without opening, the letters that were segregated in the Ray records, and which the committee is informed have been sent to him.

Mr. STIMSON. It occurs to me to ask the committee whether they offered to pay for the expense of any such cable; that is not an official request.

Mr. BULKLEY. Do you think the committee should tender payment for the cable?

Mr. STIMSON. Yes. The situation is this: The committee desires certain private papers belonging to Gen. Bell. You ask an officer, who knows Gen. Bell—

Mr. BULKLEY (interposing). We desire papers which are said to be private papers, but we do not know whether they are private or not.

Mr. STIMSON. You have no evidence that they are not private.

Mr. BULKLEY. No; but we do not know that they are private. All we asked was to have furnished to the committee papers which were in the department, whether private or not.

Mr. STIMSON. Pardon me; that is not so. Those papers were not in the department.

Mr. DEFENDERFER. When were these so-called private letters returned to Gen. Bell?

Mr. STIMSON. I do not know, sir; I imagine they were returned very shortly after my conversation with Gen. Crowder.

Mr. DIFENDERFER. Do you know whether Gen. Bell requested the return of those papers to him?

Mr. STIMSON. He had not, to my knowledge, at that time. I have had no communication with Gen. Bell on the subject.

Mr. DIFENDERFER. Could there have been any reason for sending these letters so soon after this request had been made?

Mr. STIMSON. The reasons I have set forth, I think, very plainly, namely, that these were private papers of Gen. Bell.

Mr. DIFENDERFER. Have you any knowledge as to what was contained in those letters?

Mr. STIMSON. I have not, sir, other than I have stated here; and I have, through the reports that came to me in the way I have stated, every reason to believe there was nothing material in those papers.

Mr. DIFENDERFER. Did Maj. Ray in any way make a confession in those letters to Gen. Bell?

Mr. STIMSON. I never heard of it until you spoke, and I do not believe there was any such thing in them.

Mr. DIFENDERFER. In referring to the publicity of this matter I desire to say in that connection that we tried to avoid publicity in these matters.

Mr. STIMSON. I am glad to know that; I had only the public press to go by.

Mr. DIFENDERFER. Well, representatives of the press were at these open meetings, and they could publish what they desired; but what occurs to me more particularly is the fact that the department was not anxious to have this matter publicly aired, was it?

Mr. STIMSON. What do you mean?

Mr. DIFENDERFER. I mean from the character of the testimony that has been submitted to this committee the department did not care to have this thing publicly aired.

Mr. STIMSON. What do you mean?

Mr. DIFENDERFER. I mean Maj. Ray's connection with this woman matter.

Mr. STIMSON. The department did not care to have the affair of that woman get into the public press, that is true, at least; pardon me, when you speak of the department, if you mean myself as the head of it.

Mr. DIFENDERFER. Well, I mean the department.

Mr. STIMSON. I can answer for myself, and I take that responsibility.

Mr. DIFENDERFER. Is Maj. Ray still in the service of the United States?

Mr. STIMSON. He is.

Mr. DIFENDERFER. In view of the facts that have come to light?

Mr. STIMSON. May I ask your name?

Mr. DIFENDERFER. My name is Difenderfer, and I excuse you for not remembering it.

Mr. STIMSON. I want to answer your question personally. I am very glad that you brought that up, because it is difficult to remember all the features. As soon as this matter came to my attention, or, rather, a short time afterwards, it became necessary for me to consider officially the promotion of Maj. Ray. You understand, sir, I have no doubt that Maj. Ray, being of the grade of major, is within those grades of the Army in which promotion goes entirely

according to seniority under the law. Maj. Ray, while your committee was at work here, had reached the position of senior major in the paymasters' corps.

Mr. DIFENDERFER. After the retirement of Gen. Whipple?

Mr. STIMSON. Yes, sir; that made a vacancy in the grade above. And the question of his promotion came up. This matter had come to my attention in the way I have described, and I at once became impressed with the things that were said about Maj. Ray through the hearings of this committee, and I asked Gen. Crowder to advise me whether there was any opportunity for taking disciplinary action against Maj. Ray and to get him out of the Army. Gen. Crowder took the matter under consideration, went through it and reported to me that there was no matter upon which there was any chance to bring charges against Maj. Ray and get him out of the Army. The matter then remained in abeyance while your committee was having hearings, because I expected you would send me some report of what you discovered in order to guide my official action, if you discovered anything further. I received no such report and finally, in April last, after holding up this promotion, as I recall, for some months, I sent it over to the President with this letter, which I would like to have made a part of the record.

The CHAIRMAN. Just read it, Mr. Secretary, and make it a part of the record.

Mr. STIMSON (reading):

WAR DEPARTMENT,
Washington, April 12, 1912.

The PRESIDENT.

SIR: I have the honor to transmit herewith, among others, the papers for the nomination of Maj. Beecher B. Ray, to be deputy paymaster general with the rank of lieutenant colonel. Maj. Ray is at present the senior paymaster with the rank of major, and, under the rule of seniority established by the act of October 1, 1890, would be entitled to this promotion to the vacancy now existing in the grade next above.

The Committee on Expenditures of the War Department has been for some months engaged in investigating the record of this officer, but has not yet rendered a report. I have requested the Judge Advocate General to examine all the papers on file in the department concerning him, with a view to ascertaining whether there exists any ground for taking disciplinary action against him, and the Judge Advocate General has reported that in his opinion no such ground at present exists.

While if the field were open to general selection in making this promotion I very much question whether I should recommend the promotion of Maj. Ray, the rule of seniority contained in this legislation represents a uniform policy as to the Military Establishment which has received the acquiescence of both the executive and legislative branches of the Government, and indicates him alone as eligible for this appointment. Other junior appointments are dependent upon the filling of this vacancy. I therefore transmit to you herewith the papers for the nomination of Maj. Ray, in order that you may determine whether this nomination shall be transmitted at once to the Senate or be held until the conclusion of the investigation above mentioned.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

I then received this answer from the President:

THE WHITE HOUSE,
Washington, April 12, 1912.

SIR: Replying to your letter of April 12, 1912, I think that it is more respectful to the Committee on Expenditures in the War Department to await such action or recommendation as they may be advised to take in respect to the investigation they have been making into the record of Maj. B. B. Ray. If, however, they take no action or make no report before the end of this session, I will send in Maj. Ray's name for promotion

a few days before adjournment, in order that I may make the temporary promotion of Maj. Ray by vacation appointment.

Is there any reason why the name of Lieut. Col. Wallace should not be sent to the Senate at once? I return the appointment to you to be forwarded to me again, in accordance with the suggestion of the letter.

Sincerely, yours,

WM. H. TAFT.

Hon. HENRY L. STIMSON,
Secretary of War.

Mr. DIFENDERFER. At the time of the writing of that letter had you any knowledge of the letter written by Maj. Ray's secretary to Gen. Whipple, in which he made certain accusations?

Mr. STIMSON. I do not think I have ever heard of that letter. You said a letter written by Ray?

Mr. DIFENDERFER. No; by Ray's secretary.

Mr. STIMSON. Oh, I did not understand you. I have seen a letter, I think, in the records of this case, or published in the press, which made some charges.

Mr. DIFENDERFER. It is in the record of this case with the name left blank, and that is the reason I have not mentioned the name now.

Mr. STIMSON. I think I have seen such a letter, or I have from some source heard the fact that such an accusation was made. I have also heard—and it was part of the investigation of the Judge Advocate General—that the accuser of Maj. Ray in that matter had, since making the accusation or writing the letter, in whatever form it was made, either entirely recanted or said he would not be a witness against Maj. Ray.

Mr. DIFENDERFER. Well, he did not recant.

Mr. STIMSON. Well, I do not know, sir. All I wanted to bring out was that when I inquired about that particular charge against Maj. Ray I learned that it could not be substantiated because the only witness who made it had since either recanted or refused—

Mr. BULKLEY (interposing). He withdrew the charge and refused to testify.

Mr. DIFENDERFER. But at the same time stated that the facts were correct as stated in the letter, and that his reason for not bringing this matter before the proper tribunal was that his wife could not be forced to give testimony.

Mr. BULKLEY. I think we ought to call attention to this fact, that the President and the Secretary seem to have had correspondence under the apprehension that this committee was investigating the record of Maj. Ray. Of course, that is not the case; we would have had Maj. Ray here himself if we had been particularly interested in investigating his record; in our judgment the case of Maj. Ray is a matter of minor importance and hardly worth the while of this committee. The matter that is under investigation is the action of the department in suppressing charges against Maj. Ray and refusing to prosecute him, and permitting the statute of limitations to run against him. That ought to be clearly understood.

Mr. STIMSON. I think that the head of any department would feel that when a committee of Congress was investigating a matter in the department and would find grounds to believe that disciplinary action ought to be taken that the matter would at once be communicated to the head of the department then under investigation.

The CHAIRMAN. Do you think it is the duty of this committee to recommend to your department how you should run or conduct that department?

Mr. STIMSON. It does not go into the question of duty at all, you know. If I were on your committee and ascertained a matter which I thought concerned a department, and as to which I thought action ought to be taken, I would certainly, in the comity that should exist between the different branches of the Government, at once suggest to that department that these facts existed. And knowing that you were investigating this matter with thoroughness, which was very evident from the number of witnesses you called and hearings you had, I have awaited your report.

The CHAIRMAN. I presume from that you would also expect instructions——

Mr. STIMSON (interposing). I did not say anything about instructions.

The CHAIRMAN (continuing). About the method of keeping these papers and about everything that has developed in this case in connection with the department, the lack of observance of the rules in keeping papers in the proper places, and men keeping public records in private offices. You would naturally expect from this committee a general statement covering all the matters that had been developed in connection with the Ray case, would you?

Mr. STIMSON. Mr. Helm, what I am speaking to you about is in reference to the charges against a given officer.

The CHAIRMAN. Mr. Bulkley stated the proposition very aptly. We are not particularly concerned about Maj. Ray.

Mr. STIMSON. I should of course also be glad to receive formally or informally from you any statement or recommendations which you think would be of assistance to me in the proper running of the War Department; that goes without saying.

Mr. BULKLEY. So far as Maj. Ray is concerned, and recommendations concerning disciplining him——

Mr. STIMSON (interposing). Just one minute. This case, as I understand, has been pending here for nearly seven months, and I should be very much surprised to learn that your committee had knowledge of a matter which I ought to take action on and that you had not communicated it to me.

Mr. BULKLEY. Is not this the fact, that certain charges were made against Maj. Ray along about 1908, and on those charges the then Judge Advocate General and the Secretary of War approved disciplinary action; that those papers were forwarded to Manila for disciplinary action; that those papers were called back from Manila on Gen. Bell's cable, instructing Gen. Bliss to send the papers to him marked "personal"; that he then as a gentleman took those papers and handed them to another gentleman to hold until the statute of limitations had run—is not that a fact?

Mr. STIMSON. I do not think that is true at all.

Mr. BULKLEY. Is it not a fact that he held them until the statute of limitations did run?

Mr. STIMSON. I do not know about that.

Mr. BULKLEY. The Judge Advocate General——

Mr. STIMSON (interposing). You ought to ask that of any witness you might have who has any such testimony to give, and that is certainly a matter that you ought to communicate to me.

Mr. BULKLEY. The Judge Advocate General testified that he did tell you that the statute of limitations had run.

Mr. STIMSON. Certainly, but he did not tell me and no one else has informed me that Gen. Bell by any action of his intended that the statute of limitations should run. On the contrary, I have always understood that he acted finally on it.

Mr. BULKLEY. Of course, Mr. Secretary, you and I do not know what Gen. Bell's intentions were, and it is unfair, perhaps, to impute any intention to him in his absence.

Mr. STIMSON. I think it is manifestly unfair in a public hearing to impute, without any evidence and without having called the man in question as a witness, that he intended to have the statute of limitations run against this case.

Mr. BULKLEY. I did not mean to do that. What I mean to say is this: Is it not a fact that he did hold those papers and the effect of it was that the statute of limitations ran against the case?

Mr. STIMSON. No; my understanding has been that Gen. Bell acted on that case in the way that he thought proper at that time.

Mr. BULKLEY. Is there any record of that?

Mr. STIMSON. I understood so; I do not know.

Gen. CROWDER. It is all before the committee in the testimony of Gen. Bliss.

Mr. BULKLEY. That Gen. Bell acted?

Gen. CROWDER. The fact that he did act on them or take action on them which was the equivalent to final action, as revealed in the testimony of Gen. Bliss.

Mr. STIMSON. All I can say is that if this committee has been of that conception and sat still on it, without letting the head of the department know of it, I am very much surprised at that action.

Mr. BULKLEY. Did you find any indorsement or any record signed by Gen. Bell to the effect that he had disposed of that case?

Mr. STIMSON. I have not looked for any.

Mr. BULKLEY. I presume you have looked for all the papers there are in the case?

Mr. STIMSON. I have had every paper looked for and sent up here.

Mr. SPEER. If he failed to take any action, was not that settling it? He had to go on and make charges or the thing was dropped.

Mr. STIMSON. I have not personally considered it, sir.

The CHAIRMAN. It looks to me as though there ought to be some record of it if there was any action taken on the matter.

Mr. BULKLEY. The purpose of my question was to bring out the fact that there was nothing before the committee to recommend, so far as Maj. Ray was concerned, because the Judge Advocate General has said that the charges against Maj. Ray could not be prosecuted on account of the statute of limitations. Now, inasmuch as this matter of the arrangement between Gen. Bell and Gen. Edwards was brought to your personal attention, was it not a fair assumption that you would take whatever action was proper without waiting for this committee to tell you?

Mr. STIMSON. I have told you fully what I did, and you know that is not a fair question to ask. I have told you the exact situation on which I took action, and I acted on that as I have to act on practically everything that comes up there, through the regular and accredited agents of the department.

Mr. BULKLEY. If I misunderstood you, correct me, but I thought you imputed some blame on the committee for not recommending

that you discipline Gen. Bell or Gen. Edwards as to a matter which we knew had been brought to your attention.

Mr. STIMSON. No one has ever brought to my attention or suggested to me that the motive or purpose of any of these officers was to cause the statute of limitations to run against an erring officer, and if the committee thought there was evidence to substantiate that view, I think it should have brought it to my attention.

Mr. BULKLEY. I do not think that any intent to let the statute of limitations run is conclusively shown, but what is conclusively shown is that owing to a somewhat irregular deposit of papers the statute of limitations did run.

Mr. STIMSON. I am very glad you make that disclaimer, because I should have been very sorry to have that statement go on the public record.

Mr. MARTIN. I would not think myself that the statute of limitations had been in their minds; what I would think would be a thing most difficult to prove, and that is that these officers dropped this matter because they got a hint from some source that it must be dropped.

Mr. STIMSON. You mean by that that there was anything that I could get evidence of or that you have evidence that you could bring to my attention that would result in disciplinary action?

Mr. BULKLEY. You would think it would be a source that could hardly be disciplined.

Mr. MARTIN. I do not think that you could take such action.

The CHAIRMAN. If there was such a thing as Mr. Martin suggests, it came during the time of the then Secretary of War.

Mr. STIMSON. Then, I should like to ask you, if it is in regard to something upon which I can not take action now, as the head of the War Department, what your committee is driving at or what jurisdiction you have in going into this matter?

Mr. BULKLEY. We have jurisdiction of all matters before the War Department, whether they happened before your administration or not.

Mr. STIMSON. I did not know it.

Mr. BULKLEY. If it is a matter in which disciplinary action can not be taken, we will have to take it up with the public. But what we are driving at now is to answer your suggestion that we have been remiss in not recommending to you disciplinary action. The only matters on which we could have recommended disciplinary action, according to your records, was brought to your attention, and we think you ought to have taken action.

Mr. STIMSON. To what matter do you refer?

Mr. BULKLEY. The matter I refer to is the matter of this package of papers, and that certainly was brought to your attention.

Mr. STIMSON. As to that, I have given you, frankly and fully, every fact that is within my knowledge and have given you every paper within my control.

Mr. BULKLEY. What do you mean by imputing that the committee is remiss in not making a recommendation to you?

Mr. STIMSON. I will let my answer stand on that, but will say that if you have any facts that will help me in the administration of the War Department I should be glad to get them, and I think you ought to give them to me.

The CHAIRMAN. All the information we get about these matters we necessarily have to get through your department.

Mr. STIMSON. I know you get it from the files, but you have called witnesses before you, with your power, that I have no power to call. You have had many, many witnesses here that I have never talked to or seen or known. You have been inquiring into this thing——

The CHAIRMAN (interposing). They are all witnesses connected with your department.

Mr. STIMSON. Pardon me; there was at least one whom I recall had no connection with my department, Gen. Wright.

The CHAIRMAN. I mean, they are now connected with your department or have been in times past and during the period of time covering these matters?

Mr. STIMSON. All I say is that I would plead, putting aside all particulars of this case, for a better relation between the Houses of Congress and the various executive branches of the Government, and I am ready to go as far as I can toward that, and I should be very glad to cooperate with you.

The CHAIRMAN. We are not endeavoring to do anything other than what we conceive to be our duty, but you blame us in the first place for what we do not do, and then blame us for what we do.

Mr. STIMSON. I did not blame you for what you did not do and did not have any idea of imputing any unfair motives at all.

Mr. DIFENDERFER. You further made the statement that this committee had access to the War Department for its information.

Mr. STIMSON. Did I?

Mr. DIFENDERFER. I think you did a moment ago.

Mr. STIMSON. I do not recall that I said that; but I have given you every paper from the files that related to any question here.

Mr. DIFENDERFER. The papers that we have reference to were not on file; and that is the bone of contention now.

Mr. STIMSON. Mr. Difenderfer, every paper belonging to the Government that I know of is on file.

The CHAIRMAN. Suppose we let this rest here.

Mr. BULKLEY. I would like to ask the Secretary whether this Covington resolution by its language calls for all papers or only all official papers; and if it only calls for official papers, how do you read that word "official"?

Mr. STIMSON. Well, we are going back——

Mr. BULKLEY (interposing). Yes; I am going back, because I do not think that was fully answered.

Mr. STIMSON. Well, it never entered my head that you were asking from me, as Secretary of War, papers that did not belong to the Government.

The CHAIRMAN. There were on several occasions papers brought up here for inspection. I do not exactly recall the particular instance, but we went through a lot of records here and turned them back to you.

Mr. STIMSON. Not to me, sir.

The CHAIRMAN. I mean to officers of your department, and when you say you run a risk in sending papers here I think you go too far in your criticism, because officers who have been here have brought papers which they did not consider a part of this record, and I am sure they were turned back to them intact and nothing ever published about them.

Mr. SPEER. They were witnesses who brought their own correspondence with them, which they had a right to do. They said they did not want to keep anything from the committee, but they were their own private letters and they had a right to produce them if they wanted to do so, but the Secretary could hardly produce the letters of another man.

The CHAIRMAN. If they had been brought here, they would have been treated as those letters were treated.

Mr. STIMSON. If you asked me for my private letters relating to this case, you could have them, but when you ask me to produce another man's private letters, which that other gentleman never left in my custody and whom I have never met, you are asking me for a stretch of confidence and a stretch of officiousness on my part and which I do not think, if you were in my position, you would dream of doing yourself.

The CHAIRMAN. I am sorry we have forfeited your confidence.

Mr. STIMSON. You do not understand me. Were you to ask me to bring my own letters, I would do so.

The CHAIRMAN. I think we both understand this matter.

Mr. BULKLEY. This is not a matter that the committee has asked for. This was a resolution introduced into the House by one not a member of this committee. It was reported by another committee and passed by the House, and we are simply charged with the investigation. We have nothing to do with whether the resolution asks for private papers or anything else; but if it does, we think they ought to be produced, because the resolution has been passed by the House.

Mr. MARTIN. With reference to private papers, let me put this proposition to you: Would you take the position that it would be irregular for you, as Secretary, to produce to the committee private papers; and if so, would it not be equally irregular for you to deal as an individual with official papers?

Mr. STIMSON. Well, you do not want to deal officially with private papers, nor should you deal privately with official papers. But it strikes me that Gen. Bell and Gen. Edwards were in this matter of Bell's private letters dealing with each other as private gentlemen.

Mr. MARTIN. If they were dealing with each other as individuals with official papers connected with this Ray case, what right had Gen. Bell or Gen. Edwards, acting as gentlemen, to keep official documents that ought to be in the files of the department dealing with this Ray case?

Mr. STIMSON. That I think was highly irregular. When I said they were dealing with each other as gentlemen, I referred to private correspondence which was in the same package as the official papers.

Mr. MARTIN. It looks to me like the other way.

Mr. BULKLEY. Did you think that was irregular at the time it was called to your attention?

Mr. STIMSON. Which?

Mr. BULKLEY. The giving of official papers to Gen. Edwards for private keeping.

Mr. STIMSON. I think the regular place for official papers is on the official files, where I had them put when I became aware of their existence.

Mr. BULKLEY. Did you make any inquiry of Gen. Bell or Gen. Edwards for an explanation of the transaction?

Mr. STIMSON. I did not; I have been waiting for a report from your committee.

The CHAIRMAN. Are there any further questions?

Mr. BULKLEY. That is all, as far as I am concerned.

Mr. STIMSON. I thank you, and I hope we will part as friends.

**TESTIMONY OF BRIG. GEN. ENOCH H. CROWDER, JUDGE
ADVOCATE GENERAL, WAR DEPARTMENT.**

The witness was duly sworn by the chairman.

Mr. BULKLEY. In referring to the proceedings of March 13, the chairman said "I will put the question in the form of a request." Do you think he did not make that plain?

Gen. CROWDER. It was followed immediately by a question: "It is a fact, is it, General, that certain papers that you segregated in this record you have been referring to have been sent to Gen. Bell?" It seemed to me—the impression it made upon me was—that in putting that question, immediately following the so-called request, he indicated that he abandoned the request for this reason: That he must have known that I could not have sent such a telegram, that I had no authority to send such a telegram, and that Gen. Bell would not have received it from me if I had.

Mr. BULKLEY. Who must have known that?

Gen. CROWDER. I think that every gentleman must know enough of the usual business correspondence and methods of the War Department to know that I, as a staff officer of the bureau, could not place myself in direct relations with the commanding general of the Philippines and give him a message of that kind, and it made no impression upon me at all, for the reason that it was so impossible for me to put myself in that relation.

Mr. DIFENDERFER. Could the Secretary of War have made any communication of that kind?

Gen. CROWDER. Yes, sir.

Mr. BULKLEY. I think it would be well to consider in this connection the question immediately preceding:

Would a request from this committee to you, or through you, addressed to the Secretary of War, requesting that a cablegram be sent to Gen. Bell in Manila, directing him to return this bundle of papers, which I understand is described as "personal," to be returned to the War Department without opening, be observed or complied with by yourself or the Secretary of War, in your opinion?

- To that you say that would require you to answer a hypothetical question which has not arisen and express a legal opinion upon a rather complicated question which you have not considered in all of its phases. The chairman then interposes and says that he will put the question in the form of a request. Do you not think that request had to do with what he asked you in that question?

Gen. CROWDER. It did not make that impression upon me at all.

Mr. SPEER. I remember when this was talked of, and I do not think a request of that kind was insisted upon.

Mr. BULKLEY. I am frank to say that I think there may have been some misunderstanding there. I was not present at the hearing.

Gen. CROWDER. Probably, because it placed me in an impossible relation to the case, I did not attach any importance to it, but it seems

to me that if I neglected a request of that kind I should have been reminded of it, so that I could have informed the Secretary of War that such a request was made. I had no idea that I was going counter to the wishes of the committee.

The CHAIRMAN. In regard to the request made to you, or through you, to the Secretary of War, was there anything in that to indicate that the chairman had doubt as to the proper channel to obtain this information, and that the natural inference there would be for you as the Judge Advocate General, to give it, the chairman not being posted as to the proper channel?

Gen. CROWDER. I think perhaps that would have developed if you had not interrupted me when I started to answer that question. But you will notice that I was interrupted just as I started to use the word "involves," and I was about to say that the question involved the Secretary of War and what he should do under certain facts. Then you interposed another remark which did not refer to the subject matter, and I thought you dismissed the whole matter from your mind. If there had been any reference back to the question as unanswered, there would have been no difficulty about putting an answer upon the record.

Mr. BULKLEY. So far as I am concerned, I am satisfied with the explanation—that it was simply a misunderstanding.

The committee then adjourned.

WATER SUPPLY OF CITY OF CHEYENNE AND FORT D. A. RUSSELL, WYO.

By ALBERT S. CONNELLY.

The evidence, in part, tending to prove the contention in substance is indicated from—

First. By comparing yield of run-off for the year 1911, and other water available for use during the year 1911; from pumping underground water and water in storage in January, 1911, with precipitation records of amounts in winter and spring months and total annual for the year 1911 in comparison with the 11 consecutive years having the minimum and 12 consecutive years having the maximum precipitation, the latter including the year 1912 up to date; also comparisons of stream measurements of the years 1902 and 1903, likely the only stream measurements made for any great length of time. Conditions of the water supply for the year 1912 are described. Some description of topography and geology of the drainage basin and miscellaneous items are given relating to the water supply.

Second. By comparing Capt. Hamman's testimony before the Committee on Expenditures in the War Department with factors involved in making estimates for a supply of water; by comparing conflicting theories from reports by Army officers concerning an underground water supply; that from exploration in attempting to find artesian water before the year 1906, as evidenced most convincing to condemn the theory of obtaining any great supply of water from that source to supplement the surface supply.

Third. As evidenced, deception has been resorted to; some newspaper articles and a waterwork engineering authority is quoted.

The following data is from a report by the Quartermaster General of May 24, 1912.

The following table shows the depth of water in the several reservoirs during 1911, and volume in each in gallons:

Name of reservoir or diversion dam.	Depth of water.	Volume.	Dates.
	<i>Feet.</i>	<i>Gallons.</i>	
Granite Springs:			
Maximum.....	56	344, 975, 980	July.
Minimum.....	43	102, 326, 093	December.
Crystal Lake:			
Maximum.....	9	(¹)	June, all let out; not refilled.
Minimum.....	0		
South Crow:			
Maximum.....	13½		June.
Minimum.....	0		Before and after June.
North Crow:			
Maximum.....	38	31, 996, 663	August.
Minimum.....	0		Before and after August.

¹ Very little.

All available water from North Crow Creek was used for the entire year (1911), the water being taken into the main from a temporary dam which was located a short distance above the present dam.

Water from South Crow Creek was used between January and July, the water being taken from a temporary dam directly into the main.

Water was used from Granite Springs Reservoir from about July and on to the end of the year.

The city used its old system by pumping for 11 to 12 hours a day, and the new system was used the balance of each day.

The post used water from the new system throughout the year, except that during part of the year the post used its old system for irrigation purposes in ditches.

By using the old system, as stated above, the supply was ample, but a large reserve supply was not in storage because the season was dry and there had been no chance to store water, as the new system was just being completed.

Granite Springs Reservoir was completed in the year 1904, and, it is stated in the report, the entire flow of both North and South Crow Creeks were taken into the mains from the temporary dams; accordingly there was no surplus water for storage from either of these two streams in 1911.

According to the foregoing reports and other data the following quantity of water is given for the total yield of run-off from the drainage area of about 100 square miles above the reservoirs and diversion dams for the year 1911:

Reservoir or diversion dam.	Volume of water.	Date collected.	Area.	Acre-feet per square mile.
	<i>Gallons.</i>		<i>Square miles.</i>	
Granite Springs.....	345,000,000	January to July.....	27½	57
Crystal Lake.....	180,000,000	July to January.....	15	6
South Crow.....	25,000,000	During year.....	14½	9
North Crow.....	45,000,000	do.....	43½	16
	200,000,000	do.....		
Total.....	1,800,000,000			

¹ An average of about 14 acre-feet per square mile of drainage area.

Description of the topography and geology of the drainage basin for the reason of the difference of yield of run-off will be referred to later on.

Estimated yield of run-off for 1911, including water pumped at Fort D. A. Russell and Cheyenne, from 150 square miles of watershed below the dams in the mountains and above the intake above the city of Cheyenne one-seventh per cent of 10.86 inches of precipitation, or about 400,000,000 gallons.

Water in storage January, 1911, in lakes near Cheyenne.

	Gallons.	Gallons.
Sloans Lake:		
Capacity.....		266,000,000
Area 100 acres lost by evaporation to July, two-thirds millimeter gallon, each acre of surface....	66,000,000	
Small Lake:		
Capacity.....		80,000,000
Area 30 acres, lost by evaporation to July, two-thirds millimeter gallon, each acre of surface....	20,000,000	

Lake:	Gallons.	Gallons.
Capacity.....		180,000,000
Area 90 acres, lost by evaporation to July, two-thirds millimeter gallon, each acre of surface....	60,000,000	
Water available for use.....	330,000,000	
	526,000,000	526,000,000
Quantity of water in 1911 available for use:		
From lakes near Cheyenne.....	380,000,000	
From underground water pumped.....	400,000,000	
From reservoirs and diversion dams.....	800,000,000	
Quantity of water used in 1911:		
At Fort D. A. Russell.....		365,000,000
By Union Pacific R. R.....		365,000,000
By Cheyenne, estimated, 18,000 population, or about 110 gallons a day per capita.....		750,000,000
Quantity in storage in January, 1912.....		100,000,000
	1,580,000,000	1,580,000,000

Evaporation is based upon the following record:

Loss of water by evaporation at Cheyenne, Wyo.

Jan. 1 to July 1, 1888:		
January.....		3.3
February.....		5.7
March.....		4.0
April.....		8.2
May.....		5.2
June.....		10.2
July 1 to Dec. 31, 1887:		
July.....		8.0
August.....		7.7
September.....		8.6
October.....		5.8
November.....		6.1
December.....		3.6
Total.....		76.5

(Page 6, Public Water Supplies. Turnland and Russell.)

The foregoing lakes or reservoirs are referred to by Maj. Bresnahan February 11, 1911, as overflowing, in article, "Plenty of pure water was in sight." Also described in report June 25, 1902, by First Lieut. Harris Pendleton, and referred to later.

From various reports, items on which follow later, it seems none of the stream flow in the year 1911 was permitted to be diverted for use by any ranchman located in the drainage basin above Cheyenne for a garden or any agricultural crop; accordingly all available water possible to collect was held for use of Fort D. A. Russell and Cheyenne.

The comparisons in the exhibit that follows of the amount and distribution of precipitation for the winter and spring months for 11 consecutive years with the year 1911 tends to indicate doubtless no year in the 11 had a precipitation in amount and distribution that would yield the quantity of run-off as in the year 1911. Comparisons of the total of the 12 years ending in 1912 with the years 1871 to 1882, having the minimum precipitation, indicate that there would be a great variation of discharge of the stream flow.

Precipitation, in inches, at Cheyenne, Wyo.

FROM NOV. 1, FOR 4, 5, AND 6 MONTHS.

Year.	4 months from Nov. 1.	Acre-feet per square mile.	5 months from Nov. 1.	Acre-feet per square mile.	6 months from Nov. 1.	Acre-feet per square mile.
1872.....	1.90	101.00	2.28	121.59	3.10	165.33
1873.....	.11	5.86	.49	26.13	1.41	75.20
1874.....	.45	24.00	1.19	63.43	1.82	97.06
1875.....	.68	36.00	.91	48.53	1.41	75.00
1876.....	.96	50.66	1.50	80.00	1.73	92.26
1877.....	.85	43.33	1.83	96.58	2.96	157.84
1878.....	.61	32.33	1.27	67.72	2.06	110.85
1879.....	.70	37.86	1.15	61.53	2.96	157.84
1880.....	.69	36.99	.75	40.00	.92	49.06
1881.....	1.02	54.36	1.34	71.66	3.66	182.00
1882.....	.59	31.33	.75	40.00	1.01	53.86

AVERAGE FOR 11 YEARS GIVEN ABOVE IN COMPARISON WITH THE AVERAGE
12 YEARS—1900 TO 1912.

1872-1882.....	0.69	36.79	1.17	62.39	2.09	111.45
1900-1912.....	2.05	109.33	3.03	161.59	5.55	285.00

COMPARISON OF THE YEARS 1911-12.

1911.....	2.03	107.25	2.19	116.76	4.12	219.72
1912.....	2.90	154.66	4.20	224.00	5.82	310.38

COMPARISON OF YEARS 1902-3 THAT HAD STREAM MEASUREMENTS, AND AMOUNT
OF RUN-OFF FOR THE YEAR 1911.

1902.....	2.38	126.92	4.49	239.43	5.98	313.57
1903.....	3.98	211.29	4.98	264.62	7.08	377.59

The record of snowfall in the exhibit that follows for the past 13 years ending in 1912, other than showing much difference in the annual amounts compared with the precipitation in the 11 consecutive years in the exhibit above, indicates that there is but one year possible in the 11 years as favorable for yield of run-off as the year 1911.

Monthly and seasonal snowfall at Cheyenne.

Year.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May.	Total.	Granite Canon.
1898-99.....	2.0	15.8	3.6	12.3	16.3	18.3	5.9	0.6	T.	75.4	.....
1899-90.....	T.	.8	T.	1.8	1.1	15.1	7.6	38.5	.....	70.1	.....
1900-1901.....	T.	.....	7	3.2	1.2	9.5	13.8	26.6	T.	54.1	.....
1901-2.....	.....	.3	T.	16.7	2.1	5.5	14.3	8.5	.....	47.4	.....
1902-3.....	.....	T.	2.1	19.3	1.8	18.4	9.5	14.3	0.2	65.6	.....
1903-4.....	1.8	1.3	7.2	.4	3.8	4.5	4.5	7.9	1.7	32.3	.....
1904-5.....	.....	5.2	.3	1	14.0	12.8	10.5	46.5	12.5	100.0	90.5
1905-6.....	.....	.....	.....	3.9	1.3	7.0	6.5	4.1	15.0	.....	.....
1906-7.....	.....	13.3	1.1	2	2.4	2.1	24.8	10.4	.1	54.4	67.5
1907-8.....	.....	17.5	1.0	T.	3.0	2.6	25.3	14.5	.....	.....	.....
1908-9.....	T.	23.1	10.4	.7	4.2	4.9	4.2	11.0	9.4	67.4	75.9
1909-10.....	2.0	4.7	12.0	3.0	5.5	8.8	13.0	20.5	6.4	.....	.....
1910-11.....	2.8	.....	2.2	5.5	4.1	1.8	1.9	2.6	10.8	36.7	69.1
1911-12.....	3.9	19.7	3.0	6.8	4.8	2.5	1.2	6.6	21.5	.....	.....
1912.....	4	8.1	6.4	8.3	4.1	15.9	35.9	9.8	.1	88.9	154.9
1908-10.....	.....	2.0	6.7	7.7	2.9	3.5	14.1	3.7	3.2	43.2	.....
1910-11.....	.....	.....	2.8	7.1	5.1	5.6	1.4	.....	10.6	32.6	.....
1911-12.....	.....	.....	6.5	2.9	4.4	22.2	14.3	.....	14.1	64.4	.....

The record of the largest amount of daily precipitation in the 11 consecutive years 1871 to 1882, compared with 11 consecutive years 1902, ending in 1912 in the exhibit that follows, indicates the days that have appreciable amounts of rainfall in summer time, in which run-off might occur, are comparatively few.

Also that the precipitation for the 11 years 1871 to 1883 has an average annual of 10.10 inches, and the 10 years 1902 to 1912 has an average annual of 15.65 inches, or a difference of over 50 per cent.

Largest amount daily precipitation at Cheyenne, Wyo., 1902-1912.

	Day.	Amount.	Day.	Amount.	Day.	Amount.	Day.	Amount.	Total.
1902.									
January	25	0.15							0.21
February	18	.11	19	0.14	23	0.12			.55
March	20	.98	24	.22	25	.58	26	0.28	2.11
April	12	.41	13	.32	14	.16	21	.32	1.49
May	8	1.24							2.51
June	27	.51	28	.63	(1)				1.55
July	1	.25	4	.26	18	.34			1.49
August	7	.31							.53
September	20	2.39	21	.93					3.52
October	1	.12	11	.20					1.52
November	1	.8	15	.10					.23
December	14	.44	19	.64	20	.30	16	.50	1.79
1903.									
January	4	.18							.20
February	3	.25	11	.29	12	.37			1.76
March	18	.88							1.00
April	11	.50	12	.74	29	.31			2.10
May	28	.12							.40
June	4	.23	5	.64	(1)				1.42
July	3	.22	4	.16					.79
August	5	.50	23	.09	(1)				.90
September	12	.38							1.40
October	30	.16							.34
November	12	.54	13	.17				.55	.79
December	8	.04					12	.55	.09
1904.									
January	21	.08							.35
February	17	.27							.33
March	2	.27							.45
April	24	.77	29	.40					1.80
May	2	1.64	3	1.62	21	1.73			6.66
June	8	.30	18	.25	21	.30			1.78
July	1	.11	11	.17	15	.22			2.00
August	13	.18	30	.41					.87
September	1	.15	30	.57					.83
October	12	.13	18	.43					.57
November	9	.02							.02
December	13	.03	16	.03			15	.72	.06
1905.									
January	10	.19	11	.13	30	.16	31	.10	.84
February	1	.13	2	.16	4	.12			.69
March	15	.22	16	.24					1.27
April	1	.72	2	.45	3	.25	10	.58	6.45
May	19	.32	20	.63	23	1.73	29	.69	
June	2	.81	10	1.29	27	.44	26	.39	4.01
July	9	.25	16	.52	30	.45			1.90
August	1	.20	7	.35	29	1.00	31	.64	2.97
September	12	.18	29	.13	30	.29			1.98
October	5	.23	6	.20	29	.24	30	.26	1.06
November	13	.25	14	.29	24	.27			1.40
December	27	.10							.11
	26	.01	28	.01			22	.68	.02
1906.									
January	14	.07							.21
February	13	.13							.21
March	1	.42	9	.27	10	.54	15	.26	2.27
April	1	1.39	6	.34	26	.81			3.10
May	25	.10	26	.40	31	.18			1.30
June	2	.32	23	.72	24	.72			2.42
July	6	.31	14	.16					1.89

¹ Variation in run-off.

Largest amount daily precipitation at Cheyenne, Wyo., 1902-1912—Continued.

	Day.	Amount.	Day.	Amount.	Day.	Amount.	Day.	Amount.	Total.
1906.									
August.....	21	0.22	22	0.20					0.49
September.....	15	.53	16	.47					1.06
October.....	19	.26	20	.27	28	0.98	29	0.33	2.33
November.....	1	.20	2	.52	13	.38	22	.20	1.42
December.....	4	.12					17	.65	.15
1907.									
January.....	2	.20	12	.08					.42
February.....	1	.19	2	.18					.49
March.....	12	.21							.49
April.....	19	.83	24	.21	27	.21	28	.20	1.72
May.....	2	.22	12	.79	13	.39	24	.54	2.78
June.....	3	.07	25	.07			25	.45	.34
July.....	8	.48	10	.33	22	.59	23	.77	3.56
August.....	2	.11	7	.11	31	.48	28	.29	.83
September.....	7	.15	8	.13	29	.29			.92
October.....	24	.05			30	.37			.08
November.....	18	.57							.59
December.....	14	.37	21	.10			12	.34	.55
1908.									
January.....	14	.12	26	.10					.36
February.....	4	.06							.20
March.....	5	.15							.16
April.....	20	.16							.36
May.....	4	.88	9	.52	21	1.25	23	1.77	6.19
June.....	21	1.17	7	.39	28	.15	31	.30	2.52
July.....	1	.22	5	.68	9	.24	13	.37	4.55
August.....	6	.68	14	.36	10	.28	11	.61	2.45
September.....	25	.09	22	.83	29	.85	23	.21	.09
October.....	3	.27	17	.18	21	.38	23	.62	1.14
November.....	10	.14	24	.14	18	.58			.59
December.....	16	.51	17	.12			19	.19	.70
1909.									
January.....	25	.18							.29
February.....	21	.15	22	.97					1.42
March.....	10	.22	21	.67	29	.34	27	.43	3.22
April.....	5	.37	6	.23					.97
May.....	22	.31	24	.76	31	.38			2.15
June.....	2	.15	13	.54	9	.39	16	.32	4.01
July.....	4	.25	26	.39					1.08
August.....	23	.47	7	.32					1.40
September.....	3	.52	4	.37					1.37
October.....	11	.19							.28
November.....	12	.36							.73
December.....	2	.24	21	.20			17	.62	.66
1910.									
January.....	2	.08	3	.07	4	.08			.29
February.....	11	.14							.31
March.....	29	1.41							1.45
April.....	29	.55	30	.28					1.14
May.....	1	.58	20	.43	21	.35			2.34
June.....	24	.28	29	.18					.76
July.....	16	.34	30	.32					1.32
August.....	13	.21	14	.21					.62
September.....	20	.37	22	.52					1.80
October.....	16	.24	17	.76					1.04
November.....	26	.16	15	.08					.29
December.....	11	.10	21	.40			13	.05	.69
1911.									
January.....	11	.13	20	.18	21	.18			.49
February.....	26	.22							.56
March.....	26	.30	28	.10					.16
April.....	24	.35	28	.06	29	1.07	30	.23	1.93
May.....	10	.13							.33
June.....	15	.37	16	.53	21	.21			1.64
July.....	3	.23	13	.32	18	.23	22	.28	1.21
August.....	9	.47	10	.43					1.35
September.....	7	.13					30	1.12	1.35
October.....	1	.35	5	.18	6	.12	16	.22	1.00
November.....	2	.06	12	.38			20	.13	.60
December.....	16	.08	20	.06	21	.08	10	.82	.30

Largest amount daily precipitation at Cheyenne, Wyo., 1902-1912—Continued.

	Day.	Amount.	Day.	Amount.	Day.	Amount.	Day.	Amount.	Total.
1912.									
January.....	8	0.18	12	0.16					0.40
February.....	23	.32	26	.14	28	0.26	29	0.46	1.00
March.....	12	.40	21	.38					1.30
April.....	19	.14	21	1.26	22	.14			1.62
May.....	11	.72	13	.22	14	.32			1.37
June.....	16	.14	18	.28	25	.21			1.17
July.....	1	.16	5	.10	6	.20	28	.34	1.82

Precipitation, 1901: November, T; December, 1.61.

Largest amount daily precipitation at Cheyenne, Wyo., 1872-1882.

	Day.	Amount.	Day.	Amount.	Day.	Amount.	Day.	Amount.	Total.
1872.									
January.....	29	0.02							0.02
February.....	4	.16	25	0.8	26	0.9			.27
March.....	9	.20							.36
April.....	3	.35	6	.29	26	.33			1.61
May.....	8	.36	16	.20	20	.35	22	0.46	1.99
June.....	1	.60	2	.56	14	.31	29	.18	2.15
July.....	3	.23	12	.20	23	1.00	25	1.42	3.90
August.....	11	.19	12	.90	27	.46			2.05
September.....	5	.30	6	.59					1.00
October.....	9	.08	15	.06					.33
November.....	1		20	.03					.03
December.....	20	.03					13	.79	.03
1873.									
January.....	21	.01							.03
February.....	28	.02							.02
March.....	17	.38							.38
April.....	5	.30	13	.35	30	.10			.92
May.....	5	.28	8	.20	14	.38	15 31	.24 .45	2.41
June.....	7	.27	8	1.04	20	.22			1.77
July.....	6	.36	28	.25					1.10
August.....	7	.74	13	.20	16	.71			2.37
September.....	20	.20							.36
October.....	4	.15							.70
November.....	17	.01							.17
December.....	20	.02					10	.01	.08
1874.									
January.....	31	.11							.11
February.....	21	.10							.11
March.....	5	.16	17	.14					.74
April.....	6	.10	21	.28					.61
May.....	20	.21	30	.57	31	.62			1.49
June.....	1	.50	4	.65					1.34
July.....	14	.28	18	.31	25	.31	26 31	.20 .34	1.87
August.....	5	.15	20	.13					.49
September.....	2	.77							.92
October.....	16	.21	24	.15					1.86
November.....	27	.10							.04
December.....	2	.06					9	.75	.16
1875.									
January.....	18	.13	27	.08					.42
February.....	3	.12							.06
March.....	13	.10							.23
April.....	4	.08	24	.16					.50
May.....	16	.28	23	.74					1.20
June.....	26	.26							.29
July.....	4	.74	9 25	.68 .22	17 27	.34 .32	24 31	1.14 .65	4.47
August.....	7	.61	13	.32	15	.59			2.12
September.....	9	.33	19	.22	20	.23			1.34
October.....	16	.21	24	.15					.60
November.....	17	.02							.84
December.....	25	.11					12	.10	.03
1876.									
January.....	18	.01	20	.01					.02
February.....	20	.03							.06
March.....	30	.30							.55

Largest amount daily precipitation at Cheyenne, Wyo., 1872-1882—Continued.

	Day.	Amount.	Day.	Amount.	Day.	Amount.	Day.	Amount.	Total.
1876.									
April.....	11	0.12							0.23
May.....	5	.17	22	1.89	23	0.15			2.50
June.....	2	.05	7	.04					.10
July.....	23	.36	31	.35					.79
August.....	21	.20							.26
September.....									T.
October.....									T.
November.....	26	.12	27	.18					.32
December.....	27	.09					5	0.04	.21
1877.									
January.....	9	.06	11	.07					.20
February.....	28	.12							.14
March.....	3	.16	8	.15	22	.20	23	.26	.96
April.....	2	.15	26	.35					1.11
May.....	5	.24	11	.60	12	.22	16 25	.21 .29	2.24
June.....	7	.80	20	.29					1.21
July.....	9	.32							.43
August.....	7	.29	19	.25	20	.13			.83
September.....	2	1.07	7	.53					2.12
October.....	6	.23	12	.43	13	.79	27	.24	1.99
November.....									.17
December.....	26	.15					11	.71	3.3
1878.									
January.....	10	.02	11	.02					.08
February.....	9	.07							.13
March.....	8	.15	27	.90					1.16
April.....	14	.05	15	.05					.19
May.....	1	.27	6	.92	7 21	1.25 .80	17 27	.26 .28	4.46
June.....	11	.34	13	.26	30	.41			2.10
July.....	22	.19	26	.42	28	.20			1.43
August.....	4	.97	6	.18	8	.28	21	.42	2.50
September.....	19	.56							.75
October.....	2	.04							.04
November.....									T.
December.....	18	.14					13	.03	.19
1879.									
January.....	1	.05	30	.10	31	.06			.32
February.....	9	.07							.20
March.....	1	.16	19	.13					.44
April.....	5	.25	12	.23	21	.67	23	.19	1.81
May.....	11	.83	12	.38	30	.9			1.36
June.....									.07
July.....	1	.18	26	.16					1.04
August.....	4	.30	11	.33	13	.19			1.26
September.....									.00
October.....	15	.51							.65
November.....	8	.14							.23
December.....	7	.08					7	.55	.17
1880.									
January.....	26	.11							.20
February.....	4	.04	6	.04					.09
March.....	12	.04							.06
April.....	4	.10							.17
May.....	9	.26							.44
June.....	13	.28	17	.26	20	.20			1.06
July.....	3	.35	15	.25	16	.18	24	.72	1.88
August.....	15	.19	20	.21	29	1.33			2.23
September.....	25	.99							1.05
October.....	2	.30	26	.26					.76
November.....	11	.19							.36
December.....	28	.07					8	.38	.08
1881.									
January.....	17	.15							.36
February.....									.22
March.....	12	.14							.32
April.....	6	.20	8	.32	17	.22	20	1.03	2.52
May.....	2	.11	9	.20	17	.37	30	.11	1.14
June.....	2	.80	8	.18					1.22
July.....	5	.20	16	.25	17	.30	23	.31	1.40
August.....	8	.86	11	.32	16	.25	18	.24	1.97
September.....	5	.59	6	.44	27	.41			1.75
October.....	22	.22	27	.52					.88
November.....	11	.17							.29
December.....	2	.01					11	.88	.01

Largest amount daily precipitation at Cheyenne, Wyo., 1872-1882—Continued.

	Day.	Amount.	Day.	Amount.	Day.	Amount.	Day.	Amount.	Total.
1882.									
January.....	3	0.05	25	0.04					0.14
February.....	22	.15							.15
March.....	6	.05							.16
April.....	12	.11	13	.15					.46
May.....	6	.35	7	.68	8	0.15	15	0.34	2.73
June.....	2	.26	10	.32	11	.31	27	.25	1.85
July.....	8	.38	19	.38	20	.29	20	.36	2.30
August.....	28	.13					28	.31	.23
September.....	15	.10	27	.25					.35
October.....	6	.15							.31
November.....	11	.04							.06
December.....	5	.08					8	.64	.10

The exhibit of stream measurements that follows indicates that the stream flow in summer time does not vary much from the rainfall and that storage water comes from the stream flow of snow melting in the months of April, May, June, and sometimes July:

Daily gauge height in feet of Middle Crow Creek near Hecla, Wyo.

(Station about 4 miles to northwest of Hecla. Gauge read twice daily by Hugh W. McGee, 1902, Water Supply and Irrigation Paper No. 84.)

Day.	April.	May.	June.	July.	Day.	April.	May.	June.	July.
1.....	0.80	2.45	1.15	0.73	17.....	1.00	2.10	0.55	0.40
2.....	.80	2.35	1.05	.73	18.....	1.35	1.80	.55	.48
3.....	.80	2.50	.90	.65	19.....	1.75	1.80	.55	.68
4.....	.80	2.30	.90	.60	20.....	2.10	2.05	.55	.67
5.....	.80	2.45	.85	.60	21.....	2.30	2.10	.60	.63
6.....	.80	2.35	.85	.60	22.....	1.65	1.50	.55	.30
7.....	.90	2.35	.87	.48	23.....	1.25	1.67	.60	.50
8.....	.95	2.39	.82	.45	24.....	1.35	1.50	.45	.43
9.....	1.05	2.30	.75	.45	25.....	1.40	1.43	.32	.40
10.....	1.15	2.35	.70	.48	26.....	1.40	1.32	.30	.40
11.....	1.25	2.40	.60	.48	27.....	1.55	1.35	.35	.40
12.....	1.40	2.37	.60	.43	28.....	1.85	1.62	.70	.45
13.....	1.40	2.27	.58	.40	29.....	1.90	1.70	1.12	.40
14.....	1.35	2.40	.55	.40	30.....	2.40	1.40	.90	.35
15.....	1.25	2.40	.58	.40	31.....		1.35		.30
16.....	1.05	2.40	.60	.40			1.20		

Total acre-feet, 1902 (four months):

April.....	750
June.....	1,375
June.....	261
July.....	161
	<u>2,547</u>

Acre-feet, 1903:**Four months—**

April.....	1,734
May.....	2,484
June.....	1,035
July.....	320
	<u>5,573</u>

Variation notices—

August.....	172
September.....	125
October.....	148
November.....	108
	<u>6,116</u>

Precipitation:

Six winter months, 1902.....	Inches. 5.98
Six winter months, 1903.....	7.08

Gauge.	Second-feet.	Gauge.	Second-feet.	Gauge.	Second-feet.	Gauge.	Second-feet.
0.1	0.5	0.7	4.5	1.4	13.5	2.2	24.0
.2	1.0	.8	5.5	1.5	15.0	2.2	25.5
.3	1.5	.9	6.5	1.6	16.5	2.3	27.0
.4	2.0	1.0	7.5	1.7	18.0	2.4	28.5
.5	2.5	1.1	9.0	1.8	19.5	2.5	30.0
.6	3.0	1.2	10.5	1.9	21.0	2.6	31.5
	3.5	1.3	12.0	2.0	22.5	2.7	33.0

Daily gauge height, in feet, Middle Crow Creek near Hecla, Wyo.

[Station of gauge, one-fourth mile above dam and about 4 miles to northwest of Hecla. Read twice daily by G. W. Zorn. This station has no connection with station mentioned for 1902-3.]

[Water-Supply and Irrigation Paper No. 99.]

Day.	April.	May.	June.	July.	August.	September.	October.	November.
1.		2.45	1.30	0.70	0.60	0.50	0.70	
2.		2.35	1.25	.75	.60	.50	.60	0.60
3.		2.50	1.20	.75	.55	.50	.60	.60
4.		2.00	1.30	.85	.55	.45	.60	.60
5.		1.77	1.27	.75	.55	.45	.60	.60
6.		1.82	1.32	.75	.55	.45	.60	.60
7.		1.85	1.20	.70	.55	.45	.55	.60
8.	0.85	2.05	1.18	.70	.62	.45	.55	.60
9.	1.12	2.02	1.15	.70	.60	.50	.55	.60
10.	1.40	2.00	1.20	.70	.60	.50	.55	.60
11.	1.70	2.02	1.10	.65	.60	.50	.55	.60
12.	1.45	1.95	1.05	.65	.55	.55	.55	.60
13.	1.57	1.87	1.05	.65	.55	.60	.60	.60
14.	1.40	1.90	1.42	.70	.55	.65	.60	.60
15.	1.20	1.87	1.22	.72	.55	.65	.60	.60
16.	1.22	1.87	1.10	.67	.55	.60	.60	.60
17.	1.25	1.90	1.07	.78	.55	.60	.60	.55
18.	1.20	1.80	1.00	.77	.55	.65	.55	.55
19.	1.00	1.65	.95	.77	.55	.65	.55	.65
20.	1.15	1.62	.95	.72	.55	.60	.55	.60
21.	1.45	1.50	1.00	.67	.55	.60	.55	.60
22.	1.77	1.50	.97	.65	.37	.60	.55	
23.	2.00	1.45	.95	.65	1.00	.55	.65	
24.	2.05	1.40	.92	.77	.72	.55	.55	
25.	2.20	1.40	.85	.77	.60	.32	.55	
26.	2.42	1.35	.85	.77	.60	.50	.65	
27.	2.60	1.30	.82	.70	.55	.50	.55	
28.	2.45	1.32	.80	.65	.55	.50	.50	
29.	1.02	1.35	.77	.62	.50	.55		
30.	1.90	1.32	.77	.60		.55		
31.		1.27		.60				

Precipitation, 6 winter months..... 7.08

Monthly precipitation, 1903:

January.....	.20
February.....	1.76
April.....	2.10
May.....	.45
June.....	1.42
July.....	.79
August.....	1.90
September.....	1.40
October.....	.34

(Notice not much variation through summer as decomposed granite surface is porous.)

Gauge.	Second-feet.	Gauge.	Second-feet.	Gauge.	Second-feet.	Gauge.	Second-feet.
0.5	1.5	1.1	22.2	1.7	40.5	2.3	64.0
.6	2.7	1.2	25.8	1.8	44.3	2.4	68.0
.7	4.8	1.3	29.4	1.9	48.1	2.5	72.0
.8	7.9	1.4	33.1	2.0	52.0	2.6	76.0
.9	11.4	1.5	36.8	2.1	56.0		
1.0	15.0	1.6		2.2	60.0		

The exhibit following, representing the record of precipitation, indicates the similarity of monthly and annual amounts at places which are located in positions with the drainage basin of Crow Creek, as Granite Springs Reservoir, at the reservoir; Hula, about 4 miles below and southeast of Granite Springs Reservoir; Laramie, about 20 miles northwest of Granite Springs Reservoir and 9 miles northwest of Pole Mountain, the highest point in the Crow Creek watershed. Centennial is located about 40 miles west of Granite Springs Reservoir and in a mountain range favorable for the snowfall to be as high as anywhere in that section with a similar elevation.

At Laramie the record of snowfall indicates, on the average, to be only about three-fourths as much as at Cheyenne.

[U. S. Department of Agriculture, Weather Bureau. Willis L. Moore, Chief. Summary of the climatological data for the United States, by sections. By Climatological Division, P. C. Day, in charge. Section 24.—Southern Wyoming.]

Precipitation in southeastern Wyoming.

[Monthly, annual, and average amounts (in inches and hundredths).]

CHEYENNE, WYO.—LARAMIE COUNTY.

[Elevation, 6,088 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1871.....	0.28	0.08	0.11	0.95	2.17	2.25	1.27	0.36	0.74	0.24	0.66	0.16	9.27
1872.....	.02	.27	.38	1.61	1.99	2.15	3.90	2.05	1.03	.33	.03	.03	13.79
1873.....	.03	.02	.38	.92	2.41	1.77	1.10	2.07	.36	.70	.17	.08	10.01
1874.....	.11	.11	.74	.61	1.50	1.34	1.87	.49	.92	1.86	.04	.16	9.75
1875.....	.42	.06	.23	.50	1.20	.29	4.47	2.12	1.34	.60	.32	.03	12.10
1876.....	.02	.06	.55	.23	2.50	.10	.79	.26	T.	T.	.32	.21	5.04
1877.....	.20	.14	.98	1.11	2.24	1.27	.43	.83	2.02	1.99	.17	.33	11.71
1878.....	.08	.13	1.16	.19	4.46	2.10	1.43	2.50	.75	.04	T.	.19	13.03
1879.....	.32	.20	.44	1.81	1.36	.07	1.04	1.26	.00	.65	.23	.17	7.55
1880.....	.20	.09	.06	.17	.44	1.06	1.88	2.23	1.05	.76	.36	.08	8.38
1881.....	.36	.22	.32	2.32	1.14	1.22	1.40	1.97	1.75	.88	.29	.01	11.88
1882.....	.14	.05	.06	.46	2.73	1.85	2.30	.23	.35	.31	.06	.10	8.64
1883.....	.88	.25	.85	2.76	3.68	3.67	1.45	2.18	.90	1.66	.16	.80	19.24
1884.....	.76	.26	1.59	1.33	4.83	1.50	.60	2.07	1.25	.50	.18	.67	15.54
1885.....	.16	.31	.51	3.76	1.33	2.75	1.92	2.14	.69	.28	1.11	.16	16.12
1886.....	.52	.84	1.36	1.14	.32	1.52	.71	1.61	1.05	.37	.....	.....	.....
1887.....	.....	.....	.....	2.20	.94	.80	2.71	1.90	1.25	.49	.20	.35	.....
1888.....	.20	.72	2.04	.94	3.74	.56	2.31	1.13	1.60	.30	.59	.21	14.51
1889.....	.23	.62	.26	1.24	2.85	3.67	1.23	.71	.54	2.58	.56	.16	14.65
1890.....	.16	.59	.17	3.93	.81	.65	3.64	3.18	T.	.76	.47	.11	14.47
1891.....	2.03	.89	1.61	1.18	4.72	1.84	.82	2.16	2.09	.25	.82	.56	18.97
1892.....	.99	1.17	.62	1.21	3.46	2.01	.90	.60	.22	1.12	.31	.89	13.50
1893.....	.08	.87	.78	1.36	1.64	1.33	.69	1.14	.29	.22	.29	.53	9.22
1894.....	.20	.72	.93	1.64	1.24	.64	3.25	2.17	1.23	.18	.08	.70	12.98
1895.....	.29	.30	1.26	1.21	2.73	2.59	2.54	1.69	.39	.95	.63	.18	14.76
1896.....	.68	.31	2.06	2.08	2.85	1.41	6.35	2.52	2.08	.28	.14	.03	20.79
1897.....	.27	.57	2.32	.60	3.07	1.60	3.77	1.66	.41	1.03	.68	1.27	17.25
1898.....	.48	.06	.39	.68	3.72	2.33	1.83	.90	.47	.25	1.58	.36	13.05
1899.....	1.23	1.63	1.89	.97	1.70	1.74	3.28	1.15	.07	1.27	.07	.18	14.18
1900.....	.15	1.25	.72	7.66	.76	1.01	1.20	.70	2.19	.03	.09	.33	16.09
1901.....	.13	1.10	1.54	2.97	2.47	1.93	1.34	.83	.75	.31	T.	1.62	14.99
1902.....	.21	.55	2.11	1.49	2.51	1.55	1.49	.53	3.52	.52	.23	1.79	16.50
1903.....	.20	1.76	1.00	2.10	.46	1.42	.79	1.90	1.40	.34	.79	.09	12.25
1904.....	.35	.33	.45	1.80	6.66	1.78	2.00	.87	.83	.57	.02	.06	15.72
1905.....	.84	.69	1.27	6.45	4.04	1.90	2.97	1.93	1.06	1.40	.11	.02	22.68
1906.....	.21	.21	2.27	3.10	1.30	2.42	1.89	.49	1.86	2.33	1.42	.15	17.65
1907.....	.42	.49	.49	1.32	2.78	.34	3.50	.80	.92	.08	.59	.55	12.34
1908.....	.36	.20	.16	.36	6.19	2.52	4.33	2.45	.09	1.14	.59	.70	19.09
1909.....	.33	1.42	3.22	.97	2.15	4.01	1.08	1.40	1.37	.28	.73	.66	17.62
Mean.....	.38	.54	.98	1.73	2.48	1.65	2.06	1.47	1.00	.71	.41	.39	13.80

Precipitation in southeastern Wyoming—Continued.

HECLA, WYO.—LARAMIE COUNTY.

[Elevation, 7,373 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1904.....											T.	0.30	.....
1905.....	1.15	0.70	0.68	4.73	3.93	0.48	1.79	0.34	0.76	1.89	0.10		16.55
1906.....	.30	.32	2.06	1.63	2.11	.95	1.79	1.34	2.93	2.45	1.65	.25	17.78
1907.....	.52	.94	1.20	2.09	2.60	2.29	3.18	1.64	.78	.28	.30	.68	16.50
1908.....	.42	.26	.17	.76	7.92	.92	4.63	3.48	.23	1.83	.94	1.05	22.61
1909.....	.85	3.30	5.33	1.47	1.33	1.26	2.09	1.87	.88	.28	.52	.74	19.92
Mean.....	.65	1.10	1.89	2.14	3.98	1.18	2.70	1.73	1.12	1.35	.58	.50	18.92

GRANITE SPRINGS RESERVOIR, WYO.—LARAMIE COUNTY.

[Elevation, 7,250 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1905.....						1.13	2.13	0.97	0.45	1.80	0.28	0.06	.....
1906.....	0.76	0.27	2.67	3.58	1.82	2.35	1.94	1.97	2.58	1.89	1.72	.14	21.09
1907.....	.14	.53	.75	2.83	2.52	1.11	2.61	1.85	1.25	.30	.39	.75	15.03
1908.....	.48	.23	.12	.66	6.82	2.10	.87	.11					.....
Mean.....	.26	.34	1.18	2.36	3.72	1.67	1.89	1.22	1.43	1.33	.80	.32	16.52

LARAMIE, WYO.—ALBANY COUNTY.

[Elevation, 7,188 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual
1869.....	0.32	0.58	0.30	0.65	2.05	1.42	0.27	1.77	0.65	0.38	0.56	0.03	8.98
1870.....	.06	.65	.72	3.63	1.10	.87	.62	.87	1.22	.04	.00	.16	9.94
1871.....	.14	.62	.13	1.22	.55	.05	1.62	.00	.40	.68	2.00	.75	8.16
1872.....	.50	.70	.69	2.45	2.28	2.05	2.95	3.05	1.30	.60	.60	.60	17.77
1873.....	.95	.90	.73	1.03	1.95	1.25	2.70	2.10	.70	1.53	.40	.90	15.14
1874.....	.50	.20	.85	.45	.87	1.76	3.07	.72	1.31	1.49	.09	.29	11.60
1875.....	.35	.58	1.00	.33	.15	.05	1.80	2.05	.85	.51	1.15	.14	6.94
1876.....	.13	.61	1.11	.32	2.36	.16	.89	.66	.43	.98	2.27	1.05	10.97
1877.....	1.95	T.	.57	1.13	.56	1.53	2.56	.46	1.91	1.70	.09	.86	13.32
1878.....	.12	1.26	.34	.10	2.80	4.90	1.75	4.90					.....
1890.....									.40	.90		.10	.....
1891.....	.70	.38	1.50	.25	2.92	.91	1.20	1.76	1.80	.30	1.10	1.11	13.98
1892.....	.08	.36	.48	.27	1.16		2.31	.14		3.90	T.	.20	.....
1893.....	T.	.11	.29	.32	.33	.54	.34	1.08	.39	.28	.06	.10	3.84
1894.....	.03	.10	.29	1.51	.42	.64	1.41	1.26	1.60	.09	.05	.23	7.68
1895.....	.08	.14	.43	.87	2.09	2.12	2.71	1.17	.18	.74	.32	.33	11.18
1896.....	.44	.17	.59	3.53	2.37	2.72	1.66	.89	1.16	.18	.09	T.	13.80
1897.....	.39	.35	4.23	5.55	1.85	.72	1.29	1.11	.32	.55	.33	.77	12.46
1898.....	.05	.01	.40	1.26	1.88	.90	.65	1.16	T.	.48	.61	.23	7.63
1899.....	.95	1.13	1.11	1.75	.37	1.11	2.01	1.44	.17	1.13	.07	.61	11.86
1900.....	.01	.82	.58	2.91	.24	.35	1.25	.61	1.11	.61	.06	.03	8.58
1901.....	.04	.41	.05	.28	3.00	1.73	.32	1.11	.09	1.28	T.	.21	8.52
1902.....	T.	.26	.41	.80	.26	.60	1.49	.40	1.58	.74	.22	.89	7.65
1903.....	.11	.36	1.09	.73	1.63	1.00	1.31	.88	2.39	.50	.30	.07	10.37
1904.....	.25	.11	.36	.84	1.74	2.01	1.33	.93	1.35	.54	.04	.08	9.58
1905.....	.39	.42	.64	1.21	1.79	.36	1.79	.83	1.64	.53	.22	.03	9.85
1906.....	.58	.05	1.01	1.75	.91	1.71	1.75	.59	2.09	1.33	.41	.39	12.57
1907.....	.29	.15	.28	.78	1.09	.90	3.68	1.28	.62	.16	T.	.23	9.46
1908.....	.24	.08	.02	.34	5.57	.84	2.68	1.93	.65	.45	.38	.35	13.53
1909.....	.24	.27	1.11	.76	1.66	.67	1.00	1.87	.97	.50	.29	.24	9.68
Mean.....	.48	.40	.75	1.10	1.58	1.25	1.65	1.32	.98	.80	.42	.38	11.11

Record from 1869 to 1878 taken at Fort Sanders, near Laramie.

Precipitation in southeastern Wyoming—Continued.

CENTENNIAL, WYO.—ALBANY COUNTY.

[Elevation, 8,074 feet.]

Year.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Annual.
1899.....		5.90	6.00	2.00	0.85	0.91	1.53	0.94	0.70	4.81	0.02	1.90	.....
1900.....	0.75	4.00	1.25	8.63	.45	.57	.97	1.15	.67	.32	.55	.46	19.7
1901.....	.25	2.26	.88	2.19	3.64	1.30	1.00	3.06	.45	.56	.23	.64	16.4
1902.....	T.	.34	.35	.10	.16	.60	.50	.11	.95	.32	.33	1.38	5.1
1903.....	1.38	.86	1.24	72	1.07	1.16							.....
1904.....					3.31	1.37	1.87	1.31	1.33	.45	.00	.30	.....
1905.....	2.80	.50	1.96	5.92	2.42	.27	1.94	.84	1.09	1.71	.60	.07	20.1
1906.....	.95	.45	4.70	3.62	1.31	1.41	2.09	1.29	3.05	3.00	1.42	.50	23.7
1907.....	.65	1.15	1.05	3.80	5.91	.65	1.54	.85	.47				.....
Mean.....	.97	1.93	2.18	3.37	2.12	.92	1.43	1.19	1.09	1.60	.45	.75	18.0

Precipitation record subsequent to Jan. 1, 1904, kept at Hatton, near Centennial.

Above the reservoirs and division dams that supply the pipe lines the watershed is mountainous, with an elevation 7,000 to 10,000 feet, timbered in only a few small places; but has a vegetation of good mountain grass that if grazed off by sheep may have a tendency to make some if not an appreciable decrease in the yield of run-off. The geology is indicated by the description following:

Geology.—In the region of Sherman, that applies to the watershed of Crow Creek.

The rocks which compose the nucleus of the range are of granite, or inasmuch as they represent a great variety of texture I have chosen to call them granitoid. Sometimes the rocks are made of large crystals of feldspar and quartz with very little or no mica, forming a coarse feldspathic granite; sometimes the constituents will be quite uniform, and a fine-grained, compact, and most durable rock will result. Again, some constituents of iron will prevail, and disintegration is rapidly effected by atmospheric agencies. The surface of the range is literally paved with small fragments of rock, and the natural roads that are made in the mountains are macadamized with feldspar. (P. 115, F. V. Hayden, 1870, Wyo. and Contiguous Ter.)

Porosity of the surface is indicated by the amount of water that in October, 1907, was seeping through a ridge on the south side of Granite Springs Reservoir, which came to the surface probably over 1,000 feet from the water in the reservoir, and the estimated amount was over 300,000 gallons daily.

PLENTY OF PURE WATER NOW IN SIGHT.

[Extract.]

At the present time our reservoir at Sloans Lake is overflowing, as is the reservoir at Round Top, while Granite Springs is being refilled as a reserve supply for the future. We are also now getting a supply of about 3,000,000 gallons a day of pure filtered water from the old system, with 8,000,000 gallons at Round Top, which has an overflow of more than equal to the demand of the fort, thus leaving the entire flow of Middle Crow Creek for the filling of Granite Springs and Crystal Lake Reservoirs as a reserve supply for future needs. (Wyoming Tribune, Feb. 11, 1911. L. R. Bresnahan, mayor.)

TO THE WATER CONSUMERS, CHEYENNE, WYO., JULY 10, 1911.

To the citizens of Cheyenne:

I am compelled to notify you that hereafter water can be only used for irrigation Tuesday, Thursday, and Saturday of each week, hours to be the same as they are at the present time. This order to be enforced and take effect on and after Tuesday, July 11, 1911. (L. R. Bresnahan, mayor. Wyoming Tribune, July 10, 1911.)

Rigid measures must be used.—Notwithstanding the fact that Mayor Bresnahan enjoys fighting Carlisle and seems at times to believe that it is better to pump water up hill than to permit it to run through the gravity system, the Tribune believes that he is doing everything in his power to conserve Cheyenne's present water supply. He is shutting off ranchmen and farmers who were interfering with Cheyenne's prior rights and he has very wisely cut down city irrigation to four and one-half hours per week.

May shut off irrigation entirely.—It may become necessary to stop irrigation of lawns entirely. Unfortunate as that would be, it is more necessary to have water for domestic use than for lawns. We can get along the rest of the summer without green grass if necessary.

Union Pacific can use lake water.—There is one thing more can be done as an emergency measure; that is, give Union Pacific shops direct pipe from Sloans Lake for washing and filling boilers. Such a connection can be made now at City Park. Under all circumstances we do not believe that the Union Pacific could reasonably object. (Editorial, Wyoming Tribune, July 12, 1911.)

RAIN AUGMENTED SUPPLY IN CHEYENNE CITY RESERVOIR.

Reports from the reservoir 24 miles from Cheyenne, where the water is impounded for supplying the city system, show a rainfall since Saturday night of 1.42 inches.

The caretaker in charge says the supply is augmented considerably, but not as much as might be expected, because the ground was so very dry over the watershed that the rain went into the ground like a sponge. However, he says there is an increase in the supply in the reservoirs, and if another rain should come there would be a fine addition to the city's water reserve. (Wyoming Tribune, Monday, Oct. 2, 1911.)

IT WAS A GLORIOUS RAIN.

Saturday's rain was general over Laramie County. It was one of the few heavy rains this year. Already its benefit is apparent. Water was running in many streams Saturday which had been dry for two months and water holes which had not been filled for a year are again full.

The Lord is still on our side. (Editorial, Wyoming Tribune, Oct. 22, 1911.)

WEATHER FOR MONTH OF SEPTEMBER.

Total rainfall, 1.35 inches, compared to 0.62 inch for the same month last year, and an average of 1.47 inches for the past 41 years. Six cloudy days, 18 days partly cloudy, 7 days absolutely clear; slight frost on the 28th. (Wyoming Tribune, Oct. 2, 1911.)

Economy is the mayor's watchword.—The mayor read the following communication at the regular meeting of the city council last night: "(Extract) I also wish to call your attention to the caretakers of Granite Springs Dam. During the past summer one of these men has been employed to patrol the creek to see that no water is diverted from the city. There is now no necessity for his services, and I believe that one man can do all the work necessary at both dams."

A motion also prevailed that James Clouser be the only caretaker of the Granite Springs and Crystal Lake Reservoirs on and after January 1, 1912. The caretaker at Crow Creek Reservoir already has been dispensed with. (Wyoming Tribune, Nov. 22, 1911.)

From the data following from the Quartermaster General's report of May 24, 1912:

The rate that the reservoirs are filling on May 13 with quantity in reservoirs appears uncomfortable from information that is considered reliable; that on July 29 the water in Granite Springs Reservoir was within 14 inches of the spillway, and Crystal Lake Reservoir had a depth of only 14 feet of water, but had been 8 feet higher this year.

No water likely has been taken from Granite Springs Reservoir before July 29, but probably a few million gallons had been drawn from Crystal Lake Reservoir between May 13 and July 29.

Considering the predictions on May 13, in the report, that the reservoirs would be filled this year, and that the precipitation of the winter and spring 1911-12 represent a more favorable year for yield of run-off, with the exception of one year, than in any other of the years in the period of 20 consecutive years from 1871 to 1890.

Season 1912 up to May.—There has been an abundance of snow and rainfall and this season bids fair to be the first one in which the storage reservoirs will be filled. If they are filled, and there is every reason to believe that they will be, it is calculated that there will then be a two years' supply on hand for the city and post, even if no more water was received during that time.

The following table shows the quantity of water in each reservoir on May 13, 1912:

Reservoir.	Height, dam.	Present depth.	On hand May 13, 1912.	Full capacity.	Filling, gallons per day.
	<i>Feet.</i>	<i>Feet.</i>	<i>Gallons.</i>		
Granite Springs.....	90	60	450,000,000	1,735,972,000	25,000,000
Crystal Lake.....	71	20	31,500,000	1,495,880,000	9,000,000
South Crow.....	19	19½	3,800,000	3,800,000	12,000,000
North Crow.....	38	38½	32,000,000	32,000,000	25,000,000

½ Full.

The supply of water being furnished to the post is ample, and has been for some time.

There are no meters on post mains and quantity used can not be determined accurately, but, as far as can be estimated, the supply used by the post has been between one and one-fourth million and one and one-half million gallons daily.

The entire supply of water at this time (May 13, 1912) is coming from North Crow and Brush Creeks. North Crow Dam is overflowing, the present inflow being about three times the present consumption of the city and post. Meter readings April 21 to 28 show an average daily consumption of 3,000,000 gallons by the city and post.

South Crow Creek Dam is overflowing, the waste running off into the creek. The entire inflow in Granite Springs and Crystal Lake Reservoirs, the two largest in the system, is being stored at the estimated combined rate of 34,000,000 gallons per day.

FINANCES ARE NOT SATISFACTORY.

[Extract.]

The entire consumption of water has averaged three and one-half million gallons daily, 1,000,000 gallons going to Fort Russell, about another million gallons to the Union Pacific, and about one and one-half million gallons to other consumers in the city. (A. J. Matthews, city assessor's auditor, Wyoming Tribune, Jan. 18, 1912.)

FINANCIAL CONDITION OF CITY'S ADMINISTRATION.

[Extract.]

Although the remarkable drought of the past two seasons has worked a hardship on our ranchmen and farmers, yet in the face of such conditions the system has continued to furnish a supply of four to five millions daily to the city and fort. This is due largely to the storage in our reservoirs and the supply of the underflow which is saved by our old system. It will thus be seen that when normal conditions are resumed the city will have an abundant water supply. (L. R. Bresahanen, mayor, Cheyenne State Leader, Jan. 17, 1912.)

NOTICE TO WATER CONSUMERS, IRRIGATION HOURS.

OFFICE OF CITY MARSHAL,
Cheyenne, Wyo., April 8, 1912.

Water may be used for irrigation or sprinkling in the part of the city of Cheyenne lying north of the center of Nineteenth Street only between the hours of 5 o'clock p. m. and 7.30 o'clock p. m., and in that portion of the city lying south of the center of

Nineteenth Street only between the hours of 6.30 o'clock a. m. and 9 o'clock p. m. from the 10th day of April to the 1st day of October, 1912. (R. G. Schols, Cheyenne State Leader, Apr. 10, 1912.)

CITY WILL HAVE PLENTY OF WATER.

City Engineer Goodrich has recently returned from an inspection trip made in connection with ascertaining the probable conditions of the water supply for the city next year.

He reports that the conditions are more favorable than they have been for many years past, and unless some unprecedented dry and warm weather should occur before spring, an ample supply of water is positively assured for the coming summer.

Snow in the Pole Mountains district is particularly heavy, and all through the country there is a greater precipitation than for many years. Mr. Goodrich says that if there is an early spring and the snow melts rapidly the creeks will be filled and the supply can be obtained from that source, while if the thaw is gradual the reservoir will catch and retain the water until needed. (Wyoming Tribune, Jan. 25, 1912.)

ONE SNOW AFTER ANOTHER.

Permit us to state that as a result of one week's snow after another the watershed is thoroughly covered, the reservoirs are filling, and another big snowstorm is in progress to-day. There are three months of wet weather in sight. If we had a dozen reservoirs as large as Crystal Lake, Granite Springs, and Round Top, they would all be filled. (Wyoming Tribune, Mar. 11, 1912.)

PLENTY OF WATER.

CHEYENNE, WYO., *March 11, 1912.*

More snow has accumulated in the mountains about the source of Cheyenne water supply than fell during the preceding two winters. It is now certain that each of the four reservoirs will be filled this spring, and the supply of water will be secured which will be sufficient for the city and Fort Russell for probably three years. (Rocky Mountain News, Mar. 12, 1912.)

On pages 563-564 Capt. Hartmann's reference to rainfall and yield of run-off appears. The average rainfall, 17.51 inches, for the 6 years given is the greatest for any period of any 6 consecutive years during the time the record has been kept of 42 years; and the average rainfall for the 6 years given is over 70 per cent more than the average, 10.10 inches, 11 consecutive years having the minimum precipitation.

By the fact of Capt. Hartmann's reference to the annual average run-off of 227 acre-feet per square mile and the average run-off of the watershed for the year 1911 being only about 24 acre-feet per square mile is an item at such a variance to indicate the importance of observing the factor by waterworks engineering authorities in figuring on the sufficiencies of the water supply that doubtless was not given much consideration to base the supply of water on by the persons who have contended there is available an ample supply of water for Fort D. A. Russell.

Capt. HARTMANN. The rainfall at Fort D. A. Russell in inches and hundredths, taken from the records at Cheyenne, which was the nearest point, show during the year 1904 a total of 15.72 inches; for 1905, 22.68; for 1906, 17.65; for 1907, 12.34; for 1908, 19.09; and for 1909, 17.62.

Capt. HARTMANN. That is, annually; yes, sir. These reservoirs, which the city has included in its system, would all be filled if 24 per cent of the minimum rainfall was caught and 17 per cent of the average rainfall, for the years given. The State engineer of Wyoming reported that the average run-off per square mile per year was 227 acre-feet.

Mr. DIFFENDERFER. That is the spillway?

Capt. HARTMANN. No, sir; that is the amount of water that runs off, that can be impounded. The quantity was obtained by measurement. This is equal to 23,993.9 acre-feet, for the area given above, equal to 1,045.17 million cubic feet, or 7,828.4 million gallons, equal to 1.4, the capacity of the reservoir. In other words, the minimum rainfall would fill the reservoir and leave four-tenths over.

The CHAIRMAN. What is the date of that?

Capt. HARTMANN. This was compiled from the data obtained—

The CHAIRMAN. From the State engineer?

Capt. HARTMANN. Yes, sir; a memorandum gotten up at the time.

The CHAIRMAN. As I understand, from the record as you have it, you have more water than there is any possible use for, for the fort and the city of Cheyenne?

Capt. HARTMANN. Yes, sir.

The CHAIRMAN. As an actual matter of fact, however, are those reports sustained by the actual conditions? Is there not a scarcity of water?

Capt. HARTMANN. When the reservoirs have had time to fill, I understand they had to run off some water, but as soon as the plant is completed I do not doubt but that there will be plenty of water.

The CHAIRMAN. That is on the hypothesis that the reservoirs now in course of construction, as I understand it, will furnish more than a sufficient supply of water?

Capt. HARTMANN. Yes, sir.

The CHAIRMAN. Up to this time what have been the conditions?

Capt. HARTMANN. The conditions now are that they are getting all the water they want.

The CHAIRMAN. They have since the establishment of the post as a brigade post?

Capt. HARTMANN. Oh, no; it is only recently that work was begun on the last reservoir. The last reservoir is not finished yet.

In basing an opinion in considering the sufficiency of a water supply the following authorities are given for reference:

Estimate of future rainfall must be based on the record of past precipitation. It should cover as long a period as possible and estimate based on a record of two or three years only can be but approximate and tentative.

Where there are no long period records for the locality in question, all available ones of that precipitation district should be consulted, and especially those places nearest and having the most nearly similar location as regards elevation and surrounding topography.

In figuring on the sufficiencies of a given supply the waterworks engineer is most concerned in the minimum monthly, yearly, and dry cycle rate, the maximum having little bearing except on the methods of controlling and wasting the surplus.

Periods of drought seem to occur at intervals of 4 to 10 years throughout the country, but no law of reassurance has been formulated nor do the records seem to suggest any such; and the only practical method seems to be to base the design on the driest cycle record for that district or on even lower rate if the record covers less than 30 or 40 years. (86, Water Supply Engineer A. P. Folwell.)

VARIABILITY OF RUN-OFF.

The amount of run-off is affected by the varying climatic and topographic factors. Many formulas, none of which give satisfactory results, have been worked out for obtaining the relation between run-off and precipitation. If the climate be the same over two catchment basins, the run-off will be affected by the depth of soil. The amount of vegetation, the steepness of slope, the geological structure, the amount of snow on the ground when followed by rainfall or warm weather. The climatic influence bearing most directly on run-off are the total amount of precipitation, its rate of fall, and the temperature of air and earth. Thus, when most precipitation occurs in a few violent showers the percentage of run-off is higher than when it is given abundant time to enter the soil. The coefficient of run-off increases with the rainfall. Thus, in the humid regions where the rainfall is greatest the rate of run-off is highest. (14, Irrigation Engineer Herbert M. Wilson.)

From the list of papers submitted December 15, 1911, to the Committee on Expenditures in the War Department the following tend to indicate that information is obtainable concerning the underground waters at Fort D. A. Russell, and while there are some artesian wells of small flow in that vicinity, it seems the exploration work that has been done should be satisfactory proof there is not obtainable from

that source a supply more than for the post's domestic needs. The water-bearing stratum is referred to in Maj. Miller's report found later on.

(48) Log., March 20, 1873, showing depth, strata, etc., of artesian well.

(92) Log., September 18, 1873, showing strata and location of well.

(415) 107141. Letter, November 10, 1906, to constructing quartermaster, requesting information of underground-water stratum of Crow Creek.

(422) 107141. Telegram, April 6, 1907, to constructing quartermaster, authorizing \$600 for machinery for wells.

(423) 107141. Letter, April 6, 1907, to constructing quartermaster, authorizing \$600 for machinery for testing wells.

(424) 221409. Letter, December 17, 1907, relative to test of capacity of artesian wells.

Page 593, Report, October 22, 1884: The opinion that the deflecting of the surface water would diminish the underground flow, evidently from reports that follow, was a correct theory:

I am of the opinion that the deflecting of the surface water of Crow Creek would diminish the underground flow and thus diminish our supply. The general opinion is that it will not materially affect it. Should it be found, however, that the ditch does affect the city supply, the mayor informs me that prompt measures will be taken by the city to enjoin the ditch company.

JNO. S. MASON,

Colonel Ninth Infantry, Commanding.

Pages 595-597, Report, November 1, 1888: It seems the accepted theory of the subterranean flow of any considerable quantity of water would have been condemned by the experience in exploration for artesian water, also by the fact the water in the bed had diminished. The springs or seepage water along Crow Creek may come from the percolated water in the long draws tributary to Crow Creek. Shortage of water is referred to.

The accepted theory (which is supported, so far as may go the indications on surface of ground at certain points and the increased supply of water below those points) is that there are subterranean flows from the mountains which feed the creek at several different points by flowing down on strata of rock or hardpan overlaying each other and outcropping between Cheyenne and the range according to depth of stratum below surface.

The inclination of surface of ground from mountains down being more pronounced than inclinations of the several strata causes outcroppings to appear—first, about 12 miles west of post; second, about 5 miles (2½ miles above city works); third, just off reservation; fourth, on reservation; and at each of those points the flow is such as to materially increase the supply in creek, and at those points the creek is never dry.

The watershed below (east of) city works is quite extensive on both south and north sides of bottom, and must give a considerable supply, as shown by springs and by seepage, inasmuch as no difficulty is experienced in finding water in wells at a depth of 30 feet or less on levels from 60 to 100 feet above creek.

The grounds of post proper and trees thereon require water. For the past three years the grounds have been parched because of dearth of it, and many trees have died.

With reference to the present mode of accumulating water, I would state that it consists of a catch basin 13 feet deep with diameter of 20 feet. It is laid for 6 feet from bottom in dry wall, and depends entirely on seepage for its supply. A day since the water stood at a height of 6 feet (14,000 gallons in round numbers), this amount being considerably more than is found in summer. The supply exhausted, 36 hours is required for the water to regain its level, the seepage into it being principally from the side of the bluffs, and slow, owing to its location and composition of the earth in which it is dug.

The post authorities, by the labor of troops, supplemented the supply by digging two wells 12 by 12 by 12 feet on a line west from pump house. The first well is about 70 feet distant from pump to which it is connected. The second is about 150 yards west of the first and connected to it by a 3-inch iron pipe.

The wells each have 8 feet of water (8,617 gallons), which is accumulated in the first by some seepage, but mostly by supply from the second well, which is fed entirely by seepage, being dug near edge of creek.

The supply accumulated in the three receptacles is inadequate to meet the requirements of the post, as they may easily be emptied, when considerable time is required to accumulate another supply.

Crow Creek rises in the Black Hills Range of the Rocky Mountains. The Middle Crow, which flows through reservation, makes its appearance some 40 miles west, and in its course is augmented by numerous mountain streams and by the North and South Crow, which flow into it.

Between Cheyenne and the mountains the creek also receives accession from the watershed, which on the north is quite 4 and on the south quite 7 miles in width. In spring the melting of snow and ice gives the largest supply of the year. No appreciable rise takes place because of rain in warm months, except in case of cloudbursts, when the water passes off rapidly.

C. F. HUMPHREY,

Captain and Assistant Quartermaster, United States Army.

Pages 599-601, report, November 17, 1888: Reference to the effect of dry climate is made, and that the city of Cheyenne estimated the supply by their system was only equal to the city's requirements; also to water-bearing strata being confined to Crow Creek bottom, and shortage of water:

The climate here is so dry that rubber hose quickly deteriorates and becomes useless. In addition to the above there is an irrigation ditch which taps Crow Creek about 2 miles above Fort Russell and which was formerly used for irrigating the post garden and trees planted around the parade. The irrigation ditch was practically valueless last season, as the needs of the city of Cheyenne required all the water available at its dam, whence the irrigation ditch is supplied during the dry season. In consequence of this want of irrigation the garden was a total failure practically and several of the trees at the post were killed.

Those interested in the water supply of the city were exceedingly anxious to see Fort Russell with an independent supply of its own, as they did not wish to give any water from the city system to the post if avoidable, estimating the supply by their system as only equal to the city requirements.

The water-bearing stratum is probably confined to Crow Creek bottom, as an artesian well on the parade, begun in 1872, was sunk to a "depth of 1,420 feet without meeting any other than surface water." (See Circular No. 8, Surgeon General's Office, Washington, May 1, 1875.)

A. M. MILLER,

Major, Corps of Engineers.

Pages 611-613, report, June 27, 1902: Shortage of water is referred to, and the difficulty in securing it has been increasing from year to year for five years. The ranchmen referred to probably, like during the year 1911, were not permitted to divert water when it was scarce:

To provide water for irrigation a ditch has been constructed from the main ditch supplying the lakes before referred to to connect with the irrigating system of the post. This is available only when sufficient water has been stored as a reserve by the city of Cheyenne and is under the control of the State water commissioners at Cheyenne.

During the present year water has been obtained from this ditch for a period of three weeks only, and as a result the post garden, trees, shrubbery, lawns, etc., have suffered from the lack of water.

The amount of water required for domestic purposes every 24 hours in the post is approximately 90,000 gallons, which must be drawn from the basin at the creek bottom.

Owing to there being no water for irrigation in the main ditch on June 24 this source of supply was used for irrigation purposes for two hours in the morning and afternoon. In both instances the water in the basin became exhausted and it was necessary to stop irrigating.

I am informed by the engineer in charge of the post pumping station that the difficulty in securing water has been increasing from year to year for the past five years and has occurred as long ago as 1888 and again in 1894.

This is presumably due to the increased number of ranches along the banks of the stream.

HARRIS PENDLETON, JR.,

First Lieutenant, Eighteenth Infantry, Quartermaster.

Pages 602-603, report, August 25, 1902: The effects of shortage of water on trees and lawns is referred to:

The post is now dependent entirely on its pumping plant, by which a supply of water altogether inadequate to the needs of the post is obtained. During this summer a large percentage of the trees on the reservation have died and it has been found impossible to maintain gardens or lawns.

FREDERICK FUNSTON,
Brigadier General, Commanding.

Pages 616-617, report, August 22-23, 1902: Theory of increasing the underground water supply is given, and the matter of sufficient water supply considered very serious; also reference to the shortage in reservoir, or well, is made:

An irrigating ditch heading several miles up the stream is in existence and has always been used to bring water for irrigating into the post. No such water has been provided for a long time, and the trees and vegetation show marks of injury from the want of water. In my opinion the water supply from the so-called reservoir, which in fact is nothing but a very large well, will not be sufficient for the supply of this post when the increase to 15 organizations now contemplated is made. The amount of water left in the distributing tank toward morning is particularly small when the question of fire is taken into consideration. It does not seem to be possible to increase it as things are at present, as the water in the reservoir (well) runs out if the pump is run continuously. I believe that this deficiency can be remedied to a considerable extent by increasing the underground reservoir (well) capacity, so that a greater surface is produced for the impounding and holding of the underground water flow, which I do not believe is by any means all caught and held by the present well.

As the matter of sufficient water supply for this post is very serious, I would strongly recommend that this plan be thoroughly investigated and carried out. If successful at the point indicated, I believe that the same method of underground tunneling for water can be carried out at other points upstream on the Government reservation successfully, and thus all the water necessary for a very large post can be produced and kept absolutely in the control of the military authorities.

* * * * *

EDWARD B. MOSELEY,
Lieutenant Colonel, Deputy Surgeon General, U. S. Army,
Chief Surgeon.

[Third indorsement.]

HEADQUARTERS DEPARTMENT OF THE COLORADO,
Denver, Colo., December 5, 1902.

Respectfully forwarded to The Adjutant General of the Army, requesting transmittal to the Quartermaster General.

The plan herein outlined for the development of the water supply at Fort D. A. Russell, Wyo., seems entirely practicable, and was originally recommended by Lieut. Col. E. B. Moseley, chief surgeon of the department, as early as last August. His report was forwarded from this office to The Adjutant General, United States Army, on September 17, 1902. The recommendation of the chief quartermaster that the construction of authorized buildings be no longer delayed is concurred in.

FREDERICK FUNSTON,
Brigadier General, Commanding.

Pages 613-615, report, December 13, 1902: The water supply of the post considered an important question, and of the opinion an ample supply of water available from various sources, particularly from the underground source; but an expert should make a thorough examination and report:

I visited the dam and creek some 4 miles above the post of Fort D. A. Russell where the water is taken out to supply the ditch and lakes, of which mention is made in the within inclosed papers. There was an abundance of water in Crow Creek at this season, but as this is not the dry season, no fair conclusion could be drawn from such fact, except that any irrigation reservoir which might be constructed by the post could be easily filled during the fall and winter seasons for summer use, and might also supply

all the ice that would be required for the post. The question of ice supply will be taken up hereinafter.

The most important question that pertains to the water supply of the post is whether there is sufficient water in the underground flow of Crow Creek to furnish all the water required for use of Fort D. A. Russell.

While there is undoubtedly, in my opinion, an ample supply of water available from various sources, particularly from the underground galleries, such as the city of Cheyenne has constructed, there is no more doubt that the present system of water supply is entirely insufficient and that measures should be promptly taken to obtain a better supply from properly constructed waterworks, and it is not believed that any great expenditure would be required to accomplish this. However, before any further work is done, I am strongly of the opinion that an expert should make a thorough examination and report, with plans and estimate, a complete scheme for enlarging and perfecting the water system at Fort D. A. Russell.

J. W. POPE,

*Lieutenant Colonel and Depot Quartermaster General, U. S. Army,
Chief Quartermaster.*

Pages 628-632, report, December 30, 1902: In this report reference is made to the records of precipitation, and minimum annual amount is given; but evidently, and especially considering conditions of the year 1911, no comparison may have been made of the monthly amounts and distribution of the precipitation with relation to the yield of run-off.

The theory of the wall to catch the subterranean water being defective is explained; but not suggested the water flowing past the fort would be caught by the wall about 2 miles below at the galleries of the city's intake pumping station.

"The data furnished is, in part, reason to believe the Granite Springs Reservoir would fill in average years." The data may have been misleading, if like given for statements referred to are late or being deceptive.

The loss of water, 30 per cent by seepage and evaporation, would probably be much if not wholly replaced from the springs and inflow water along the stream between the reservoir and fort.

The season of 1902, I was informed by everyone, was considered an exceptionally dry season at Fort Russell and in that vicinity. It would not seem, however, that the report of the United States Department of Agriculture showing the annual precipitation for the period extending back to 1871 would show any reason why this, the year of 1902, should have been exceptionally dry, inasmuch as the total period of 12 months shows a precipitation of 14.71 inches, whereas the minimum precipitation for the past 31 years, during which a record has been kept, was 5.4 inches in 1876. The mean precipitation for the period of 31 years was 13.10 inches. (See sheet marked "A" hereto attached.)

During the season of 1902 it was reported to me that the least daily domestic supply of water during the months of July and August was 45,000 gallons. The average daily supply during the months of July and August was 90,000 gallons. A considerable portion of this domestic supply, however, was used for irrigation purposes in consequence of the shortage of water for the purpose in the open ditches.

First. The extension of the present system by means of constructing subterranean galleries essentially after the fashion of the subterranean wall already built. In this connection it should be pointed out that the amount of water intercepted by the wall hereinbefore described and conducted into the well of the domestic plant has, I am informed by the engineer in charge and others, gradually diminished from year to year. The cause for this can not be definitely determined, inasmuch as the precipitation in the watershed of Crow Creek would not account for this action, nor could it be accounted for by the fact that the city intercepts and conducts a large amount of subterranean water to its own plant above the post, inasmuch as the city has been doing this for years, and no recent change has been made in the methods of the city. The following, however, is submitted as a probable explanation of the circumstances:

The hardpan surface on which the wall was originally laid may have given way in some places, thereby resulting in breaks or cracks in the intercepting wall and permitting the water to flow through this wall; or it may be that the loose stone and gravel

thrown into the open ditch above the wall may have become more or less clogged after a long period of use; or the result may be more or less due to a combination of these two effects. It is therefore recommended that a careful examination be made of the wall as to its conditions, etc., and also of the condition of the layer of broken stone and gravel which acts as a conduit, and incidentally as a filter. If the wall is broken and permits the passage of water, it should of course be repaired.

The city of Cheyenne is now engaged in constructing a dam near the headwaters of Crow Creek, which will impound when completed 2,400,000 gallons of water. This water, once impounded, can be drawn from the reservoir during the dry period of the year in sufficient quantities to keep up a flow of water in Crow Creek and furnish a constant and wholesome supply for the city of Cheyenne. I visited the site of this dam and reservoir, and from observations and data furnished me as to the flow of the stream at the point of the reservoir I am convinced that the watershed is ample to fill the reservoir in question in average years. In years when there is a great shortage of water in the watershed the reservoir may not be completely filled, but in any case the future conditions will always be a vast improvement over those of the past. The reservoir in question will keep up a liberal supply of water in the stream, but it is not to be presumed that the authorities controlling this reservoir would under ordinary circumstances turn loose an amount of water sufficient to give an abundant surface flow in Crow Creek. The reservoir is located about 20 miles westward of Fort Russell, and it is estimated that about 30 per cent of the water turned loose from the reservoir will be lost by evaporation and seepage before reaching the headgates of the water system of the city of Cheyenne.

CHAUNCEY D. BAKER,

Captain and Quartermaster, United States Army.

Pages 618-619, report, June 25, 1902: The description that follows of the lakes or reservoirs near Cheyenne that have an estimated combined capacity of about 620,000,000 gallons, but on account of their shallowness there is much loss of water from evaporation:

OFFICE OF THE QUARTERMASTER,
Fort D. A. Russell, Wyo., June 25, 1902.

The ADJUTANT,

Fort D. A. Russell, Wyo.

SIR: I have the honor to inform the commanding officer concerning the two lakes located on the Government reservation near the Iron Mountain road, one of which is known as Lake Absaraca.

The small lake above the cemetery is at the present time about half full of water. This lake is supplied by an open ditch from the dam on Crow Creek across the Government reservation. This ditch is at the present time dry.

From the small lake above mentioned a tile pipe line has been constructed leading to Lake Absaraca, thus permitting the small lake to act as feeder to the larger one. Lake Absaraca at the present time is very near full of water. From this lake an open ditch runs east off of the Government land and under the Iron Mountain road. There is also a pipe line running in the same direction.

These two lines conduct the water from the lakes on the Government land to Lake Maphealuta, on the further side of the Iron Mountain road and off the Government reservation.

There is a pipe line running from the city water works on Crow Creek across the Government reservation, running about due east. This pipe is the main supply line to the city of Cheyenne. The surplus water which can not be carried by this pipe is conducted through the open ditch before mentioned into the small lake near the cemetery and from there to Lake Absaraca, where it is stored to serve as a reserve in the event of there being an insufficient amount of water in Crow Creek for the city of Cheyenne.

There is no record in this office of any right of way having been granted to cross the reservation with a pipe line or to use the same as a reservoir.

Very respectfully,

HARRIS PENDLETON,

First Lieutenant, Eighteenth Infantry, Quartermaster.

Page 80, Hearing No. 3: In the articles of agreement entered into on December 12, 1908, between the city of Cheyenne and the United States Army the provisions following indicate that Fort D. A. Russell is subject to economies in the use of water, when there is a shortage, the same as may be applied to the city of Cheyenne.

Second. That the said city of Cheyenne, in consideration of the payments herein-after provided for, hereby gives, grants, and conveys to the United States of America forever perpetual water rights to the extent hereinafter specified and required for the uses of the military post of Fort D. A. Russell and its appurtenant reservation; and hereby agrees to furnish to the United States, perpetually, a sufficient supply of potable and wholesome water for the use of said military post and its appurtenant reservation, through its connecting main or mains and service pipe or pipes herein-before provided for; said supply to be not less than the present supply of the post, and to increase with the progress in completion of the buildings, works, and of tree and lawn planting, as fast as and in as great a supply as the post commander may certify to be necessary, said supply to be at all times sufficient in quantity for all uses of the said military post and appurtenant reservation and to increase from time to time as said post may increase in the number of men and animals maintained thereat and as its needs may increase for irrigating purposes and for trees and lawns thereat; but in case of any unexpected accident or incident, such as breaking of mains or reservoir or temporary filling of silt through freshets or cloudbursts, or in case a shortage of water is caused by droughts, then in such cases Fort D. A. Russell shall submit to the same temporary reduction in the use of water as the city of Cheyenne may prescribe for said city and its inhabitants, until the temporary shortage can, with due diligence on the part of the city of Cheyenne, be overcome; but it is understood that the water to be furnished by the said city of Cheyenne for the post of Fort D. A. Russell, for domestic, garrison, and irrigating uses, shall in respect of quality be always equal to and in quantity never under any circumstances less than that enjoyed per capita by the city of Cheyenne.

On page 629, letter of November 22, 1902, the statement appears:

Last summer was perhaps the driest one in 30 years. In other words, the reservoir once filled would insure water for from 25 to 30 years. So that the ability to fill the reservoir annually is beyond doubt.

With the indorsements—including Senator Warren—that these representations have compared with what the reports indicate of the amounts of water collected annually; in 1902, the year which this letter was written, there was only a run-off of about two-thirds the quantity to fill the reservoir—this in part by official stream measurement; and it seems most surely shortages of water as represented by Army officers are such; that the representations made by the mayor and city council were most doubtless without any consideration of the precipitation; that the records were available, and the stream flow which likely had been observed at times during many years before the year 1902, by at least some of the men indorsing the letter.

NOVEMBER 22, 1902.

Hon. F. E. WARREN,
United States Senator for Wyoming, Cheyenne, Wyo.

DEAR SENATOR: Answering your inquiry of late date, will say I am both surprised and pained by the fact that the water situation concerning the city of Cheyenne and Fort Russell should be misunderstood.

Last summer was perhaps the driest one we have had here for 30 years; but even at that there was really water enough to supply the city and post for all domestic and irrigation purposes had the situation been understood, had proper arrangements been made, and had the water been conserved and properly used, as is done in all well-conducted irrigating localities.

During the drought of the summer the surface flow of Crow Creek, like the surface flow of all like streams in this country, ceased for a few days, although there was a great deal of water flowing through the sand, which could be taken out with the proper galleries, such as the city has been using, and such as it will use even to a greater extent hereafter.

In other words, the reservoir, once filled, would insure water for from 25 to 30 years. The reservoir will be filled every winter, or during fall, winter, and spring, from the surplus water in the stream not needed for domestic, irrigation, or other purposes.

Returning again to the matter of reservoir, Crow Creek is a raging torrent at many times in the year, and is a steadily flowing, quite large stream, especially at the point where the reservoir is constructed, during fall, winter, and spring, so that the ability to fill the reservoir annually is beyond question. It may be barely possible that delays in work or inexperience in handling may retard the first filling of the reservoir this winter; but it would take unexpected accident, bad management, intense drought, and a combination of unexpected and unprecedented circumstances to make our supply short in the summer of 1903; but beyond that there is no possible chain of circumstances or happenings conceivable which will interfere.

Very respectfully, yours,

J. L. MURRY, *Mayor*.

We heartily concur.

M. P. KEEFE, *Chairman*,
J. E. VREELAND, *Member*,
FRANK RABON, *Member*,
Full Committee on Water and Sewage.
N. R. DAVIS, *President of Council*.

CHEYENNE, WYO., *November 25, 1902.*

JAMES W. POPE,

*Colonel and Quartermaster, United States Army,
Department of the Colorado, Denver, Colo.*

MY DEAR COLONEL: Herewith I send you carbon copy of letter which I have received from the mayor of the city of Cheyenne, signed also by the full water committee and the president of the council.

* * * * *

Very sincerely, yours,

F. E. WARREN.

The extracts from the descriptive articles that follow indicate to some extent deception has likely been resorted to in representing the conditions of the water supply, when it is taken into consideration that the stream measurements for the year 1902 show such a great variation in the yield of run-off in comparison with the year 1903, which is referred to; and being referred to as it is in the book by James D. Schuyler, that may be considered among the best authorities on the subject treated, is of apparent concern. The Wyoming Tribune article consisted of something like a whole page:

Granite Springs Dam, Wyoming.—The watershed area is 27.5 square miles from 7,000 to 10,000 feet in elevation, reaching to the Continental Divide.

The measured run-off from this watershed as determined by the United States Geological Survey for the year 1903 aggregated 7,344 acre-feet, or 41 per cent of the precipitation, 12.25 inches, of that year in the city of Cheyenne.

The mean of 34 years' record in that city is 13.23 inches. Two-thirds of this total annual run-off occurred in the months of April and May. (Reservoir and irrigation water power and domestic water supply, by James D. Schuyler, p. 318.)

Cheyenne water system.—The total precipitation practically occurs between December and March in the shape of snow, which melts and runs off rapidly during April, May, June, and the early part of July.

Estimating the average daily consumption of water during the year at 200 gallons per capita, it was determined from existing records that the total amount for which provision had to be made was 4,500,000 gallons per day, or 2,190,000,000 per year.

The discharge of Middle Crow Creek at the Granite Springs Dam was estimated at the time the structure was designed in 1903, for which year the precipitation was 12.25 inches at Cheyenne, to be 7,344 acre-feet, or 2,392,880,000 gallons, in which estimate the run-off was based on 41 per cent of the rainfall. (From descriptive article of water system of nearly one page, Wyoming Tribune, Oct. 17, 1910.)

SUMMARY.

The evidence from the foregoing data relating to the water supply of Fort D. A. Russell, Wyo., indicates for the conclusions:

First. That the total water that could be collected in the year 1911 from the Crow Creek drainage basin was about 300,000,000 gallons less than used by the city of Cheyenne and Fort D. A. Russell.

Second. That there was a shortage of water, and there were forced economies to prevent the waste of water.

Third. That the amount and distribution of the precipitation in the year 1911 indicates there would be more water available for collection in the year 1911 than in any one of the 11 consecutive years 1872 to 1883.

Fourth. That the quantity of water impounded in the reservoirs would be materially reduced by evaporation and would be sufficient, by forced economies, to supplement the annual supply collected for more than about one-half the period of a dry cycle like has occurred.

Fifth. That the evidence by Capt. Hartmann's testimony indicates the sufficiency of the water supply was based on data in which only a short period of years of the precipitation was considered, and that was a period having the maximum amount, and records show a great variation in the amount and in the distribution of the precipitation.

Sixth. That the evidence from the reports by Army officers indicate there was a shortage of water in years when the precipitation was favorable for the collection of water. (The increase of population in both the city and fort since has been such as to require a very considerable increase in the water supply.)

Seventh. That the predictions of the yield of run-off for the year 1912 and results indicate the character of representations that may have been used to base an opinion that there is available an adequate water supply in the Crow Creek drainage basin.

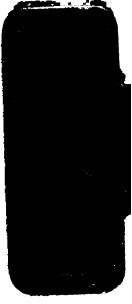
Eighth. That the representations made in the letter by the mayor and city council from results of water collected in the years 1911 and 1912 is an example of representations that may have been made in part to base an opinion on the sufficiency of the water supply.

Ninth. That the descriptive articles in the Engineer's Water Supply Work, by James W. Schuyler, and description in the Wyoming Tribune of October 17, 1910, with other items referred to, indicate representations of a serious character may have been resorted to for formulating an opinion that there is available an adequate water supply in the Crow Creek drainage basin for the city of Cheyenne and Fort D. A. Russell.

ALBERT S. CONNELLY.



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